

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KIMBERLY PASSANANTI,

Plaintiff,

-vs-

THE COUNTY OF COOK, ILLINOIS,
a unit of local Government,
COOK COUNTY SHERIFF'S
DEPARTMENT, JOHN P. SULLIVAN,
in his individual capacity,

Defendants.

Case No. 08 C 2803

Chicago, Illinois
June 7, 2010
1:00 o'clock p.m.

VOLUME 1

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN W. DARRAH

APPEARANCES:

For the Plaintiff:

ANDREOU & CASSON, LTD.
BY: MR. LUKE A. CASSON
661 West Lake Street
Suite 2N
Chicago, Illinois 60661

For the Defendants:

COOK COUNTY
STATE'S ATTORNEY'S OFFICE
BY: MR. DONALD R. HALLSTEN, JR.
MR. JAMIESON BRENT BOWMAN
500 Richard J. Daley Center
Chicago, Illinois 60602

Mary M. Hacker
Official Court Reporter
United States District Court
219 South Dearborn Street, Suite 1212
Chicago, Illinois 60604
Telephone: (312) 435-5564

1 (Jury entered the courtroom.)

2 THE COURT: Good afternoon, ladies and gentlemen.
3 Plaintiff ready to proceed?

4 MR. CASSON: We are, your Honor.

5 THE COURT: Defense ready to proceed?

6 MR. BOWMAN: We are, your Honor.

7 THE COURT: Do you wish to make an opening
8 statement, Mr. Casson?

9 MR. CASSON: I do, your Honor.

10 THE COURT: You may proceed.

11 OPENING STATEMENT ON BEHALF OF THE PLAINTIFF

12 MR. CASSON: "The longer I work for anything, the
13 sensation increases for what I work." It's an interesting
14 quote about work and the meaning of work. And in the end,
15 that's what this case is going to be about. It's about a
16 woman who valued her work because it was her career.

17 It's about a woman who sought out a particular kind
18 of work, sought out a particular kind of education in order
19 to do her work.

20 This is a case about Kim Passananti. This is Kim's
21 life's work. She worked at a place called the Day Reporting
22 Center. You will hear a lot about that in this case.

23 The Day Reporting Center is part of the Cook County
24 Sheriff's Department. What they do at the Day Reporting
25 Center is they take inmates, some who are in the jail, some

1 who are on electronic monitoring. These are diversion
2 programs to reduce overcrowding. It's one of the goals of
3 the Day Reporting Center.

4 What the Day Reporting Center ultimately does is,
5 they try to rehabilitate those they think can be
6 rehabilitated, non-violent offenders, low bond detainees.

7 Kim was part of the Day Reporting Center. She
8 spent a life of work at the Day Reporting Center.

9 In 1994 she began her work. She started out at the
10 bottom, she worked up as an investigator, received promotion
11 after promotion after promotion until she was then the deputy
12 director.

13 It was at the time she became deputy director that
14 she began to receive some problems, problems that the
15 evidence will show were generated by Mr. Sullivan. You will
16 hear him referred to as John Sullivan, Pat Sullivan or
17 Director Sullivan.

18 Also, unfortunately, what you will hear in this
19 case is some vulgar, sometimes foul language that was used to
20 understand that this is the basis of what Ms. Passananti
21 complained about.

22 The evidence that you will hear over the course of
23 this next week will describe the manner in which those
24 vulgarities were delivered to her, in what manner and how
25 frequent, that she was called a bitch, that she was accused

1 of lying, she was accused of having sexual relations with
2 inmates.

3 Now, at the same time Ms. Passananti will testify
4 very shortly that she complained about these incidents. She
5 complained not to one person, not to two, but to three and
6 wrote a letter. Nothing was ever done about that, but she
7 was suspended. She's accused of wrongdoing along with three
8 other males. The other three males who were accused of
9 wrongdoing were all let off the hook but Ms. Passananti was
10 not. You will hear evidence that that is because the Cook
11 County Sheriff's Department based its decisions on her
12 gender. This is how they treat women.

13 Our case is about how both Kim and other women were
14 treated at the Day Reporting Center.

15 Ultimately you will hear some evidence from the
16 defendants. They don't believe that this is related to
17 gender.

18 There will be testimony from Alexis Herrera, who is
19 a budget analyst. You will hear her explain that Ms.
20 Passananti was subject to termination because of the budget
21 cuts. You will hear a lot about budget cuts in this case.
22 Our contention is that no such thing ever happened.

23 You will hear testimony that those budget cuts
24 eliminated one position. It eliminated Kim's position and it
25 eliminated Kim.

1 You will hear evidence that all of the other people
2 that they say were eliminated never lost their jobs.

3 You will hear evidence that another woman who they
4 say was eliminated was never eliminated and retired two years
5 later, full pension, who was also a friend of the Sheriff.

6 We ask only that you keep an open mind as to this
7 particular kind of defense.

8 We will present evidence to you that suggests that
9 there was no budget problem, that a budget that eliminates
10 one position and reduces nobody's salary -- nobody's bottom
11 line on a unit basis is illusory; it didn't happen. They
12 were shuffling the cards on the budget.

13 We will ultimately have an opportunity to talk
14 again at the end of the case. I just want to give you an
15 overview about what this case is going to be about, what kind
16 of evidence you're going to hear.

17 I don't want you to be shocked when you hear the
18 vulgarities coming out of witnesses on that stand. I'm going
19 to be asking those questions and I'm going to ask them to
20 tell you exactly what happened.

21 Those folks, some of which work at the DRC, some of
22 them may not work at the DRC any more, but they all have
23 something to tell you about what happened at the DRC.

24 Keep an open mind until we're at the end of the
25 case and we've got all of the evidence in. That's all we ask

1 of you. Keep an open mind and be fair.

2 On behalf of Kim and myself, thank you.

3 THE COURT: Thank you, Mr. Casson.

4 Mr. Bowman, do you wish to make an opening
5 statement?

6 MR. BOWMAN: Yes, your Honor.

7 OPENING STATEMENT ON BEHALF OF THE DEFENDANTS

8 MR. BOWMAN: Ladies and gentlemen of the jury, Ms.
9 Passananti filed her complaint alleging harassment almost a
10 year and eight months after it happened. She filed the
11 complaint after she lost her job due to budget cuts. Those
12 are the facts. That is what you will hear.

13 Ms. Passananti did work for Mr. Sullivan.
14 Mr. Sullivan is sitting at defense counsel's table right
15 there.

16 Mr. Sullivan, will you stand up, please?

17 (Defendant complied.)

18 MR. BOWMAN: Thank you, Mr. Sullivan.

19 Mr. Sullivan was her supervisor in 2005, and Ms.
20 Passananti is going to allege that she was called a bitch.
21 Mr. Sullivan is going to explain to you that did not happen.

22 Ms. Passananti did not make an allegation, a
23 complaint, with the Sheriff, or the EEOC or the state court
24 all throughout 2005. She didn't make a complaint in 2006.

25 When Mr. Sullivan was working at the DRC -- and the

1 DRC is an acronym for the Day Reporting Center -- there were
2 no other allegations by Ms. Passananti after the first one.
3 There were no other allegations about Mr. Sullivan from
4 anyone else in the Day Reporting Center, which is the DRC.

5 Mr. Sullivan in approximately July of 2006
6 experienced some medical problems and he had to leave work
7 and he never came back. You'll hear that Ms. Passananti was
8 the acting -- or director of the Day Reporting Center during
9 that time. When Mr. Sullivan left Ms. Passananti did not
10 file a complaint with the Sheriff or anyone else.

11 Again, Ms. Passananti filed a complaint with the
12 EEOC May 1st of 2007, a year-and-a-half afterwards. And what
13 happened prior to that?

14 Cook County was experiencing a budget cut. You'll
15 hear terms like reduction in force, you'll hear budget cuts,
16 you'll hear layoffs. Those are all part and parcel of the
17 same event which Cook County had to reduce costs.

18 And you'll hear from someone called -- named Alexis
19 Herrera. And Ms. Herrera was a budget analyst for Cook
20 County. Her job was to reduce the budget.

21 Now, Ms. Herrera will tell you that the first
22 budget submission, the Sheriff wanted all positions at the
23 DRC to be funded. He wanted everybody to keep their job, and
24 that was the recommendation to the Sheriff. That didn't end
25 up happening.

1 The budget measures that they wanted to enact,
2 which is essentially a budget reduction of about \$3 million,
3 the County Board rejected. And there was an amendment
4 saying, you've got to cut filled positions, you've to cut
5 personnel. And Ms. Herrera, because of her experience, her
6 knowledge with -- about the workings of the Day Reporting
7 Center, her knowledge of the workings of the Sheriff, was
8 tasked with making a reduction, and that reduction was
9 personnel. Ms. Passananti's position ended up being one of
10 those positions.

11 And Ms. Herrera will explain to you, she did the
12 best she could to figure out what positions could be
13 eliminated without affecting the census population at the
14 jail, because you couldn't reduce anything that would
15 increase jail overcrowding. And the Day Reporting Center was
16 the place that that cut had to be made. Ms. Passananti lost
17 her job.

18 You'll also hear that Ms. Passananti knew very well
19 of the Sheriff's harassment policy, that she understood that
20 she needed to make a complaint. She didn't make one.

21 When Judge Darrah reads the jury instructions,
22 you'll hear that if a plaintiff unreasonably fails to take
23 advantage of defendant's harassment policy, you must find for
24 the defendant.

25 You'll also hear from an individual -- two

1 individuals, Tony Boyle and Richard LaBrie, who are currently
2 at the Day Reporting Center. Mr. Boyle is going to explain
3 to you that he is -- and you're going to hear some talk about
4 grades; those are ranks of your employment -- he's going to
5 say that he is a grade 20. You're going to hear from Ms.
6 Passananti and others that Ms. Passananti's position was a
7 grade 23.

8 Plaintiffs are going to try to tell you that
9 Anthony Boyle is the deputy director of Day Reporting and
10 that the position is still there. Ms. Herrera, Mr. Boyle and
11 Mr. LaBrie are all going to say he is not officially the
12 director -- the deputy director of the Day Reporting Center.
13 There is no budgeted slot -- and Ms. Herrera is going to
14 testify -- even currently there is no budgeted slot for
15 deputy director of Day Reporting Center.

16 What you will hear from Mr. LaBrie is that Mr.
17 Boyle was the acting director when all of the budget cuts at
18 Day Reporting occurred. He -- somebody had to continue to
19 run the place. That was -- he got assigned that task.

20 When Mr. LaBrie was hired, you have two people who
21 are now apparently the director, and two people couldn't be
22 the director. So Mr. Boyle, at Mr. LaBrie's direction,
23 assumed some sort of a deputy role. But he was not paid as a
24 deputy director. And despite any title, there is no budgeted
25 slot for deputy director of the Day Reporting Center.

Passananti - direct

1 At the end of this case we will ask you to find for
2 the defendants, stating that there is no fault in the
3 termination of Ms. Passananti, that her job was cut,
4 unfortunately, due to budget cuts, and that there was no
5 harassment demonstrated by her failure to complain.

6 Thank you.

7 THE COURT: Thank you, Mr. Bowman.

8 Would you call your first witness please, Mr.
9 Casson?

10 MR. CASSON: Yes, your Honor. Plaintiff calls Kim
11 Passananti.

12 KIM PASSANANTI, CALLED IN HER OWN BEHALF, DULY SWORN

13 THE COURT: You may inquire.

14 MR. CASSON: Thank you, your Honor.

15 DIRECT EXAMINATION

16 BY MR. CASSON:

17 Q. Kim, introduce yourself to the jury, please.

18 A. Good afternoon, ladies and gentlemen. I'm Kim
19 Passananti. And I'm here because I was discriminated against
20 with the Cook County Sheriff's Department because I was a
21 woman.

22 Q. Kim, I want to talk to you a little bit about your
23 background.

24 Are you married?

25 A. Yes, I am.

1 Q. And who are you married to?

2 A. I'm married to Joe Passananti.

3 Q. Do you have children?

4 A. Yes, I do.

5 Q. How many children do you have?

6 A. I have two children.

7 Q. What are their names?

8 A. Becky is my daughter; she's 29 years old. And Danny is
9 my son; he's 25 years old.

10 Q. Describe your relationship with your daughter?

11 A. We have a wonderful relationship. Becky is my best
12 friend.

13 Q. Does she currently reside with you?

14 A. No, she does not.

15 Q. When did she move out of your house?

16 A. She moved out approximately two years ago. She bought a
17 townhouse.

18 Q. And what year did she move out?

19 A. She moved out in 2008.

20 Q. In 2008 -- or up to 2008 where were you employed?

21 A. I was employed up until 2007 with the Cook County
22 Sheriff's Department.

23 Q. Were you -- and subsequent to that was she still living
24 with you?

25 A. Yes, she was.

1 Q. Tell us something a little bit about your educational
2 background?

3 A. In 1993 I graduated from St. Xavier's University with my
4 undergraduate degree in clinical psychology in criminal
5 justice, and in 1995 I graduated from Lewis University with a
6 graduate degree in criminal psychology.

7 Q. Why did you choose those courses of study?

8 A. Because my career was vested in the criminal justice
9 system and helping individuals that were in the system.

10 Q. What do you mean it was vested?

11 A. That is -- that was my whole goal. My whole goal of my
12 career was to be involved in helping people that were
13 involved in the criminal justice system.

14 Q. And had you been involved in the rehabilitative justice
15 system prior to 1993?

16 A. Yes, I was.

17 Q. Explain to us how that was?

18 A. I worked for TASC, which stands for Treatment
19 Alternative for Special Clients. And I was a drug and
20 alcohol evaluator, and I was an advocate in the courts for
21 individuals that were in the system and were experiencing
22 drug and alcohol issues, getting them rehabilitated.

23 Q. When you say advocate, what were you there to do, to get
24 them out of trouble?

25 A. No, no, no.

1 Q. Explain what that means.

2 A. It was to take an individual that wasn't given the tools
3 originally to do something positive with their lives and, you
4 know, ended up in a criminal system, and get them the help
5 they needed, get them drug and alcohol counseling, get them
6 educational components, and just taking them and giving them
7 tools that they needed in order to change their lives.

8 Q. And when you first started school, were you also working
9 for TASC?

10 A. In -- when I was in undergraduate school?

11 Q. Yes.

12 A. No, I was not.

13 Q. When did you go to school?

14 A. I --

15 Q. I mean, what kind of -- did you go during the day or at
16 night?

17 A. Yes, I went during the day. I was raising my children
18 and I was going to school at the same time for my
19 undergraduate degree. When I graduated with my undergraduate
20 degree is when I went to work for TASC.

21 Q. And how long did you work for TASC?

22 A. A little over a year.

23 Q. During that time that you were with TASC, how did you
24 receive clients or people that you would administer your
25 services to?

1 A. I went to the courts. They were court-ordered to get a
2 TASC evaluation. And what that is, the courts deemed that
3 this individual, based on their criminal background and maybe
4 the escalation of their criminal background, be it, you know,
5 possession of a controlled substance a couple of times, they
6 determined that if this individual has said, yes, they do
7 have a drug addiction or an alcohol addiction, they were
8 allowed an evaluation. And I would get them through the
9 court system. I would go into the jail if they were housed
10 in the jail, or I would interview them on site for a drug and
11 alcohol evaluation.

12 Q. What was the purpose of giving them a drug and alcohol
13 evaluation?

14 A. Rehabilitative. It was strictly to assist them in
15 rehabilitative services.

16 Q. Is this something the Court would order?

17 A. The Court would order the evaluation, and then they
18 would go on probation -- these individuals were probationable
19 and they would receive probation, and a condition of their
20 probation would be to follow all of the recommendations based
21 on their TASC evaluation.

22 Q. And did you receive any certifications or any special
23 training on your advocacy duties at TASC?

24 A. Yes.

25 Q. What kind of certifications do you need to do that?

1 A. TASC trained us, you know, individually, to be drug and
2 alcohol evaluators.

3 Q. What kind of training? What kind of certifications
4 would you need?

5 A. It was a 30-page document based on their social
6 background, their socioeconomic ability, their educational
7 ability, and we learned how to evaluate it. And it was all
8 based on a point system, and based on the point system is
9 where we made our determination. So we were trained on the
10 evaluative tool.

11 Q. And would you -- did that require you to receive a
12 certificate of having trained in that particular area?

13 A. Yes. I received it from TASC.

14 Q. Did you serve any internships both while you were in
15 school and shortly after you graduated?

16 A. Yes. Undergraduate, I did about 300 hours at Christ
17 Hospital on the psychiatric unit, in the intensive treatment
18 area. In graduate school I did a little over a thousand
19 hours with an independent psychologist that -- their main
20 objective was reintegration and rehabilitative services for
21 people that were coming out of prison or were involved in the
22 pretrial status.

23 Q. How was it that you used that training or those -- what
24 you learned in those internships in your work at TASC and
25 later with the Cook County Sheriff's Department?

1 A. I used all of the tools that I got from both my
2 undergraduate degree and my graduate degree, my internships
3 and TASC -- they were all based on the same concept. They
4 were rehabilitative in nature.

5 Q. Why did you pursue these internships?

6 A. They were part of my education. They were a requirement
7 of my education, of graduating.

8 Q. And ultimately what was your intent with following this
9 course of education?

10 A. I truly wanted to be a part of change, of systemic
11 change in the justice system. I wanted to be an advocate, to
12 be a help in the system where people were caught up in it,
13 they weren't given the opportunity to make changes in their
14 lives.

15 Q. And at this time was there a thing called the -- or an
16 entity called the Day Reporting Center?

17 A. Yes, there was.

18 Q. Did you know about it?

19 A. I found out about it while I was working at Bridgeview
20 courthouse for TASC.

21 Q. What kind of courthouse, or where?

22 A. Bridgeview. It's the 5th District criminal court
23 building.

24 Q. And where is that?

25 A. In Bridgeview, Illinois.

1 Q. Southwest of the city?

2 A. Yes, southwest of the city.

3 Q. And when you learned that there was a Day Reporting
4 program, what did you do to pursue that?

5 A. I started asking around and I -- to find out about the
6 program. It just sounded -- it was ideal. It was -- it was
7 everything that I would have wanted.

8 I started asking around and I got -- accumulated as
9 much information as I possibly could about the program.

10 Q. And ultimately did you pursue employment?

11 A. Yes, I did.

12 Q. And who did you pursue it with?

13 A. It was a friend of the family I talked to and asked if
14 there was any way that I could give him my resume and
15 possibly be considered for employment.

16 Q. And who was that friend?

17 A. That was Marty Walsh.

18 Q. And he worked for the Sheriff's Department?

19 A. Yes, he did.

20 Q. And ultimately were you hired?

21 A. Yes, I was.

22 Q. And what was your first position?

23 A. I was an investigator.

24 Q. When was this? When did you first become an
25 investigator?

1 A. I -- June of 1994.

2 Q. When was -- if you know, when was this program begun,
3 the Day Reporting program?

4 A. I believe it started in 1993. I believe that that was
5 when it was first started.

6 Q. Now, when you came on board, you became employed in the
7 Day Reporting Center, how many participants in the program
8 were there?

9 A. There were 95 participants in Day Reporting originally.

10 Q. Explain how the program progressed through the years up
11 until the time you left?

12 A. Well, the program was based on the pretrial detainees
13 that are awaiting trial, and we -- I was very instrumental in
14 helping the program grow.

15 When I finally -- in 2007 we had approximately -- a
16 little over 600 -- between 600 and 700 participants in the
17 program.

18 Q. From 95?

19 A. Yes, from 1995.

20 Q. I'm sorry, from 1995 or from 95 participants?

21 A. From 95 participants to when I was fired in 2007 there
22 was approximately between 600 and 700 participants in the
23 program.

24 Q. Was that the intent?

25 A. Yes.

1 Q. Why?

2 A. Well, the program served a lot of different purposes.
3 The Cook County Jail was grossly over-populated.

4 Previous to the alternative programs, what was
5 happening in Cook County Jail is, they were -- the inmates
6 that were coming in were being -- were receiving an I-bond.
7 And an I-Bond is a bond that is -- you are released on your
8 own recognizance.

9 The Sheriff, when he created these programs, he
10 allowed for -- they were Sheriff's I-bonds and they were
11 attached to alternative programs. So the more people that we
12 got into the program, the more people we could help -- we
13 could help not revisit the criminal justice system.

14 Q. What's a bench warrant?

15 A. A bench warrant is when somebody fails to appear in
16 court and then the judge issues the bench warrant.

17 Q. To do what?

18 A. To go and apprehend the person that didn't appear in
19 court and subsequently reincarcerate them.

20 Q. Did those bench warrants play any factor into the Day
21 Reporting program?

22 A. Absolutely.

23 Q. How?

24 A. What was happening was, if -- when these inmates were
25 given an I-bond, they were let out and they were not

1 supervised. So subsequently, you know, they wouldn't come to
2 court, or they would pick up another case and they would --
3 the bench warrant issue was completely out of control. There
4 was a massive amount of bench warrants that were being issued
5 because of those.

6 Q. And what was the directive within the department to
7 address that?

8 A. To get some alternative programs in place.

9 Q. Were there any other alternative programs within the
10 Sheriff's Department?

11 A. The other programs that were all -- they -- we were all
12 housed under DCSI, and what that is is the Department of
13 Community Supervision and Intervention. It was Day
14 Reporting, it was electronic monitoring, it was the Sheriff's
15 Work Alternative Program, which is SWAP, and it was the
16 pre-release center.

17 Q. And Day Reporting then was one of several alternatives?

18 A. Yes, Day Reporting was one of four.

19 Q. What was the interplay between the electronic monitoring
20 unit and the Day Reporting unit?

21 A. The participants that we brought into the Day Reporting
22 program previously were on electronic monitoring, and they
23 spent, you know, different amounts of time, but they spent
24 time on electronic monitoring. And then after we looked at
25 their rap sheet, which is their criminal background sheet, we

1 would then take them into Day Reporting and would -- we would
2 take off their bracelet and they would be in Day Reporting.

3 Q. Were those two programs developed -- or implemented, I
4 should say, to address different kinds of -- or levels of
5 problems with inmates?

6 A. Yes.

7 Q. Explain how that is.

8 A. Electronic monitoring was developed specifically as a
9 detainment. The individuals that were on electronic
10 monitoring were being detained. They were in their homes,
11 they were -- they wore a bracelet and they couldn't go with
12 -- you know, go 50 feet or a hundred feet from the monitoring
13 device. Day Reporting was rehabilitative. That was the goal
14 of Day Reporting.

15 Q. Were detainees in the electronic monitoring unit
16 transferred into Day Reporting?

17 A. Yes, they were.

18 THE COURT: Let me see you at sidebar, please, off
19 the record.

20 (Sidebar discussion had off the record.)

21 BY MR. CASSON:

22 Q. Kim, did individuals who came into the Day Reporting
23 program have to also be on electronic monitoring?

24 A. No, they did not.

25 Q. Why?

1 A. It was progressive rehabilitation. They were completely
2 separate entities. Electronic monitoring was electronic
3 monitoring and Day Reporting was Day Reporting.

4 What the goal was, was to get the person into Day
5 Reporting for rehabilitative services, and that allowed
6 electronic monitoring -- to get another individual out of
7 Cook County Jail and put on to electronic monitoring.

8 Q. Okay. Ultimately you were promoted from investigator,
9 correct?

10 A. Yes.

11 Q. And what were you promoted to?

12 A. I was promoted to deputy chief.

13 Q. Now, what did you do as deputy chief?

14 A. I had five investigators that I supervised, and I took
15 on more administrative roles.

16 THE COURT: When did that occur?

17 THE WITNESS: That occurred in '96, I believe, your
18 Honor.

19 THE COURT: Thank you.

20 BY MR. CASSON:

21 Q. And what was your title then?

22 A. I was deputy chief.

23 Q. Okay. Later on you were promoted a second time?

24 A. Yes, as chief.

25 Q. All right. And when was that?

1 A. That was approximately two years later.

2 Q. Approximately what year?

3 A. Approximately 1998.

4 Q. And when you were a chief did your duties change at all?

5 A. No, they did not.

6 Q. Did you supervise other people?

7 A. Yes.

8 Q. During this period of time did you also have any duties
9 at the training institute?

10 A. Yes, I did.

11 Q. What why were your duties at the training institute?

12 A. I would train the new recruits that were coming in
13 through -- as correctional officers. I trained them in human
14 behavior, in corrections.

15 Q. Who hired you to do that?

16 A. I submitted a resume to the director of the training
17 academy at the time; I think his name was Jerry O'Sullivan.

18 Q. Did you have any other teaching duties anywhere else?

19 A. Yes, yes.

20 Q. Where?

21 A. In 1995 I was hired by Moraine Valley Community College
22 as -- I was an adjunct professor.

23 Q. And do you continue to be an adjunct professor to this
24 day?

25 A. Yes, I do.

1 Q. Do you know Alexis Herrera?

2 A. Yes, I do.

3 Q. And do you know Carmelita Wagner?

4 A. Yes, I do.

5 Q. How do you know Carmelita?

6 A. I knew Carmelita through working with the Sheriff's
7 Department. I met her many years ago when she was Sheriff
8 Sheehan's secretary. I knew her as -- she was the director
9 of the DARE program through the Sheriff's Department and I
10 knew her for many years.

11 Q. Was she in any way related to the training institute?

12 A. Yes. She was -- she got promoted and she was the
13 director -- the executive director of the training institute
14 of the Sheriff's Department.

15 Q. When did she leave the employ of the Sheriff?

16 A. I believe she left in late 2009.

17 Q. Did you ever have any conversations with her about what
18 was happening in your unit with you, in the DRC?

19 A. Yes, I did.

20 Q. We will get back to that in a second.

21 Do you also know Alexis Herrera?

22 A. Yes, I do.

23 Q. Where did you meet her?

24 A. I met her at the training academy. She would be out
25 there occasionally when I was there training, when I was

1 teaching the recruits, and we spent a lot of time talking to
2 each other.

3 Q. And when did you meet her?

4 A. I believe I met her probably in 1998, somewhere right
5 around there.

6 Q. Did you ever have any conversations with her at the
7 training institute?

8 A. Yes, yes. We had at length conversations because there
9 was a time that Alexis was very troubled because she worked
10 downtown and -- for the Sheriff's Department, and there was a
11 time that there was a transition going on at the Sheriff's
12 Department and one of the accountants that was at DCSI was
13 going to be transferred downtown, and Alexis had told me that
14 she was going to have to leave her position with the
15 Sheriff's Department and go to the county, Cook County,
16 because the man that was coming down there despised her.

17 Q. And when did she tell you that?

18 A. She told me that one day when we were at the academy.
19 I'm not sure of the year.

20 Q. Where were you at the time?

21 A. Oh. We were standing outside of building A at Moraine
22 Valley. We were standing outside and I was having a
23 cigarette and we were talking.

24 Q. What position did you hold with the Sheriff's Department
25 at the time?

1 A. I believe I was a deputy chief at the time.

2 THE COURT: Do you recall when this took place?

3 THE WITNESS: Your Honor, I'm not sure of the year.

4 THE COURT: Your best recollection?

5 THE WITNESS: Best recollection would be maybe
6 1998, maybe '99.

7 BY MR. CASSON:

8 Q. Kim, there came a time when you became deputy director
9 of the DRC, correct?

10 A. Yes.

11 Q. How was it that you became deputy director?

12 A. Both the director and the deputy director that were at
13 Day Reporting at the time both retired.

14 THE COURT: When was that, please?

15 THE WITNESS: That was in 2002, your Honor.

16 BY MR. CASSON:

17 Q. Prior to that time -- or at around that time did you
18 provide any testimony in a case that related to the Sheriff's
19 Department?

20 A. Yes, I did.

21 Q. And what kind of case was that?

22 A. It was a sexual harassment case.

23 Q. And did it also involve Day Reporting Center personnel?

24 MR. HALLSTEN: Objection, your Honor.

25 THE COURT: Sustained.

1 Relevance?

2 MR. CASSON: I'll withdraw it, your Honor.

3 MR. HALLSTEN: What was that?

4 MR. CASSON: I said I'll withdraw it.

5 MR. HALLSTEN: Okay.

6 BY MR. CASSON:

7 Q. When you became deputy director, who was the director of
8 the department?

9 A. The director of Day Reporting?

10 Q. Yes.

11 A. When I became deputy director it was John Sullivan.

12 Q. Approximately what year did Mr. Sullivan come in?

13 A. I believe that was also 2002.

14 Q. Did you ever have any altercations, or any arguments,
15 with Mr. Sullivan?

16 A. Yes, I did.

17 Q. And approximately what year did -- strike that.

18 Over what period of time did you have these
19 altercations with him?

20 A. It was basically from about 2003 all the way
21 through 2006.

22 Q. And in 2006 Mr. Sullivan took leave from the department?

23 A. Yes.

24 Q. Prior to that what were the problems that you were
25 having with Mr. Sullivan?

1 A. Mr. Sullivan was very demeaning. He would -- he
2 constantly used the B word --

3 Q. What's the B word?

4 A. He -- the bitch -- he would call me a bitch.

5 Q. He called you?

6 A. Yes.

7 Q. On how many occasions?

8 A. Numerous occasions.

9 Q. Was it over a period of time or it just happened in a
10 short period of time?

11 A. No. It was over a progressive period of time.

12 Q. Did he refer to you in any other manner?

13 A. Well, he would call me stupid. He would tell me to shut
14 the F up, you B, he would call me a stupid B, he would tell
15 me to go sit down and shut up, very degrading and
16 demoralizing.

17 Q. Were there any other women who worked in the unit?

18 A. Yes, there were.

19 Q. And how many?

20 A. There were, I believe, six.

21 Q. And did you hear him refer to any of them --

22 MR. HALLSTEN: Objection, your Honor.

23 THE COURT: Yes. What's the relevance of that?

24 MR. CASSON: My question was, were there any other
25 references --

1 THE COURT: I heard your question. What's the
2 relevance?

3 MR. CASSON: It goes directly to the Monell claim,
4 your Honor.

5 THE COURT: Let me see you at sidebar.

6 (Sidebar proceedings outside the hearing of the jury:)

7 THE COURT: This goes to pattern and practice?

8 MR. CASSON: It does.

9 THE COURT: What do you say to that, Don?

10 MR. HALLSTEN: Mr. Sullivan's treatment towards her
11 and defendant's action or inaction -- Ms. Passananti is now
12 presenting evidence of how he treated other people. It's
13 going to be hearsay and it's going to be just improper
14 character evidence of this man.

15 THE COURT: She's testifying that she heard this of
16 her own perception, so it's not hearsay.

17 MR. HALLSTEN: Okay. Well's it's improper
18 character evidence. She needs to prove this case of how he
19 treated her, not how he treated other --

20 MR. CASSON: Under 608, Judge --

21 THE COURT: Wait a minute. Hold it a second.
22 Character evidence really is generally under Article IV. 608
23 talks about attacking a witness because of some prior act of
24 dishonesty, if you're talking about 608(b).

25 What does this go to?

1 MR. CASSON: It goes to the pattern and practice,
2 your Honor. It is -- it's not improper character evidence --

3 THE COURT: Forget that for a minute. Just tell me
4 what you're offering this for.

5 MR. CASSON: I'm offering it to show there was a
6 pattern of abuse of other women.

7 THE COURT: By the department or by Sullivan?

8 MR. CASSON: By Sullivan, therefore the department.
9 And I'm -- these incidents happened.

10 THE COURT: Was Sullivan a decision-maker?

11 MR. CASSON: He was director of the department. We
12 say, yes, he was.

13 MR. HALLSTEN: Plaintiff is not alleging intangible
14 employment action in this case, so there's not an issue of
15 whether or not --

16 THE COURT: That's true. Your theory is wrongful
17 termination.

18 MR. CASSON: Yes.

19 THE COURT: Not discrimination while she was
20 employed but wrongful termination, right?

21 MR. CASSON: No. We're showing that there was --
22 that she, in fact, was discriminated while employed.

23 THE COURT: Yes, but your theory is wrongful
24 termination.

25 MR. CASSON: She was ultimately terminated. Yes,

1 there's a termination in this case.

2 THE COURT: What did I rule on last week?

3 MR. CASSON: Promotion.

4 THE COURT: Okay, promotion is out. If you're
5 talking about a hostile work environment -- is that your
6 theory now?

7 MR. CASSON: Yes.

8 THE COURT: Well, you didn't plead a hostile work
9 environment.

10 MR. CASSON: We did.

11 THE COURT: You did?

12 MR. CASSON: There's a jury instruction on this --

13 THE COURT: Hold on.

14 (Brief pause.)

15 THE COURT: Count 2 is hostile work environment.

16 MR. HALLSTEN: That's correct, your Honor.

17 THE COURT: Why does this not go to that?

18 MR. BOWMAN: Because he has to demonstrate that
19 Sullivan created a hostile work environment for her, that
20 Sullivan spoke to other people --

21 THE COURT: He's testified to that. But doesn't
22 this also testify to the general work environment of other
23 people similarly situated?

24 MR. HALLSTEN: But similarly situated doesn't --
25 that doesn't establish a hostile work environment. That's

1 something different altogether. He has to establish that the
2 environment was hostile to her based on what he did to her.

3 THE COURT: Right.

4 MR. CASSON: No, that's not what the law says,
5 though, Judge. It's -- the totality of the --

6 THE COURT: Forget that stuff. Tell me why this is
7 relevant to her hostile work environment, what he said to
8 other people.

9 MR. CASSON: It's what created part of --

10 THE COURT: It's what is directed to her -- he
11 could have done this to her and it still would be a hostile
12 work environment.

13 MR. CASSON: That's correct.

14 THE COURT: I'm going to sustain the objection.

15 (Further proceedings within the hearing of the jury:)

16 THE COURT: You may proceed.

17 MR. CASSON: Thank you, your Honor.

18 BY MR. CASSON:

19 Q. In a particular instance in 2005, did you have an
20 altercation with Mr. Sullivan?

21 A. Yes, I did.

22 Q. Describe for the jury what that altercation was and
23 where it was?

24 A. The altercation took place in his office at Day
25 Reporting.

1 Q. How did you come to be in his office?

2 A. He called me in there and he told me that he was going
3 to open up an investigation on what he stated was a
4 violation. And we -- he -- I told him that there was no
5 violation, and he -- he wouldn't listen to me and he started
6 screaming at me, and he told me to shut the F up, you lying
7 B, and he told me that he was going to -- that -- don't think
8 for one minute that he doesn't know that I was sleeping with
9 an inmate and he was going to --

10 Q. I meaning you, Kim Passananti?

11 A. I, me, yes, that I was sleeping with an inmate, and that
12 he was going to effectively get me suspended and -- well, we
13 would just see where the chips would fall.

14 Q. As a result of that incident -- strike that.

15 Did you hear him use any foul language any other
16 time?

17 A. Yes.

18 Q. And what language was that?

19 A. Most of the time it would be if somebody was in the
20 office -- in my office or one of the women that would come
21 in, he -- he consistently referred -- he would say, you know,
22 what the F --

23 MR. HALLSTEN: Objection, your Honor.

24 THE COURT: Sustained. I think we went over that
25 once before, Mr. Casson.

1 Ladies and gentlemen, I'll instruct you to
2 disregard that.

3 BY MR. CASSON:

4 Q. What I'm asking you is in relation to you.

5 A. In relation to me?

6 Q. Yes.

7 A. Yes. Any other times, is that what I understand?

8 Q. Yes.

9 A. Yes. He would tell -- there were several times that he
10 would say, you know, you just need to shut the F up, you're a
11 little B, don't make me, you know, get you suspended again,
12 you didn't learn your lesson the last time. It was just very
13 -- a very abusive --

14 Q. As a result of the incident in 2005 -- by the way, what
15 month was that in?

16 A. It happened in August of 2005.

17 Q. Okay. And in -- as a result, did Mr. Sullivan take any
18 action against you?

19 A. Yes.

20 Q. What happened?

21 A. He wrote a document and he forwarded it to the Inspector
22 General's Office, and the Inspector General's office opened
23 up an investigation on the alleged incident.

24 Q. And that was an action against you, correct?

25 A. Yes, it was an action against me.

1 Q. Did you try to explain what had happened to Mr. -- I'm
2 sorry, can you see me?

3 A. Yes.

4 Q. Did you try to explain what happened to Mr. Sullivan?

5 A. Yes. I tried to explain to him that the information
6 that he got was completely and totally false. And I told him
7 that -- how do you start an investigation on somebody that
8 didn't violate a rule that was -- that was even implemented.

9 Q. So he was claiming that a rule was broken?

10 A. Yes, he was claiming that a rule was broken.

11 Q. And was there a rule?

12 A. No, there was not a rule.

13 Q. Was there a general order?

14 A. No, there was not a general order.

15 Q. Was there a regulation?

16 A. There was no regulation.

17 Q. Was there a written order?

18 A. There was no written order, no.

19 Q. Did Mr. Sullivan express an understanding of what the
20 rules and regulations and procedures of the department were,
21 of the DRC?

22 A. A vague understanding of what the program was about.

23 Q. Who was responsible for really the operations of the
24 unit on a day-to-day basis?

25 A. I was. I was responsible for the day-to-day operation

1 of the program.

2 Q. Well, as a result of what had happened you said you were
3 transferred?

4 A. Yes. I was transferred to another department, to SWAP,
5 the Sheriff's Work Alternative Program at the juvenile
6 building.

7 Q. And what was your job there?

8 A. I was a secretary.

9 Q. You went from deputy director --

10 A. -- to secretary, yes.

11 Q. Did you have supervisory responsibilities as deputy
12 director?

13 A. Yes, I did.

14 THE COURT: What does the acronym SWAP -- what does
15 that stand for?

16 THE WITNESS: The Sheriff's Work Alternative
17 Program.

18 THE COURT: Thank you.

19 THE WITNESS: You're welcome, your Honor.

20 BY MR. CASSON:

21 Q. During the time that you were assigned to SWAP, did you
22 speak to anybody about what had happened?

23 A. Yes.

24 Q. Did you speak to anybody about the comments that
25 Mr. Sullivan had made both then and prior to that?

1 A. Yes.

2 Q. And who did you speak to?

3 A. I spoke to Dan Gallagher, I spoke to Carmelita Wagner.

4 Q. With regard to Mr. Gallagher, who is Dan Gallagher?

5 A. Dan Gallagher at the time was Sheriff Sheehan's special
6 counsel.

7 Q. Why did you go to him?

8 A. I went to him because he was not in the department and I
9 believed that he would get the information to the Sheriff so
10 the Sheriff knew what was going on in my department with me.

11 Q. What does Mr. Gallagher do for a living?

12 A. He's an attorney.

13 Q. Does he work for the Sheriff's Department?

14 A. No, he does not.

15 Q. Does he work for the Sheriff?

16 A. No, he does not.

17 Q. Who else did you speak to?

18 A. I spoke to Carmelita Wagner.

19 Q. Where did you speak to Ms. Wagner?

20 A. I called her at her office in -- at the training
21 academy.

22 Q. Why did you speak to Carmelita Wagner?

23 A. I spoke to Carmelita because I knew her and I felt that
24 she would be an advocate for me in this situation.

25 Q. What did you tell Carmelita?

1 A. I told her everything that was going on. I told her
2 what was happening with the situation, that -- the present
3 situation. I told her what I was enduring previous to that
4 situation and what they intended to do with me, and she told
5 me, sometimes, Kim, you just have to take one for the
6 Sheriff.

7 Q. And what did that mean?

8 A. That means that you should just -- as far as I was
9 concerned, she told me to just shut up and take it.

10 Q. Carmelita Wagner was occupying what position when she
11 told you that?

12 A. She was the executive director of the Sheriff's training
13 academy.

14 Q. Did she outrank you?

15 A. Yes, she did.

16 Q. Was she at a higher level on the chain of command?

17 A. Yes, she was.

18 Q. Did you perceive what you were doing to be a complaint?

19 A. Yes.

20 THE COURT: Let me interrupt you there for a
21 moment.

22 (Sidebar proceedings outside the hearing of the jury:)

23 THE COURT: I'm going to reverse myself. In the
24 Monell claim you do plead that the defendants have engaged in
25 the policy, practice of sexual harassment, discrimination

1 against women. So this would go to that claim. So I'm going
2 to reverse myself.

3 The objection is overruled. You can go into that.

4 MR. CASSON: Thank you.

5 THE COURT: You're welcome.

6 (Further proceedings in the presence of the jury:)

7 THE COURT: You may proceed.

8 MR. CASSON: Thank you, your Honor.

9 BY MR. CASSON:

10 Q. The letter that you sent to Mr. Gallagher -- strike
11 that. Sorry, your Honor.

12 How did you communicate with Mr. Gallagher?

13 A. I sent him a -- I believe it was about a seven-page
14 letter outlining what was going on at the Sheriff's
15 Department.

16 Q. And when you say going on, what do you mean? What did
17 you write about?

18 A. I wrote about how I was being treated and about the
19 situation that was going on with the inmate by the name of
20 Thomas Bewack (phonetic) and everything that I was feeling at
21 the time.

22 Q. Okay. I'm asking you specifically what did you lay out
23 in this letter about Mr. Sullivan?

24 A. I laid out how he was behaving and how he was treating
25 me and that he used foul language with me. I quoted in the

1 letter what he had said to me, and in the -- just -- that was
2 my plea for help.

3 Q. Did you indicate to Mr. Gallagher in your letter that he
4 had called you -- or referred to you as a bitch?

5 A. Yes.

6 Q. Now, when you spoke to Ms. Wagner -- strike that.

7 When --

8 MR. CASSON: Judge, I keep saying "strike that"
9 because it's just habit.

10 THE COURT: You want to withdraw that.

11 BY MR. CASSON:

12 Q. The letter to Mr. Gallagher, explain to me why you would
13 send a letter to an outside lawyer?

14 A. Because I knew that if it stayed internally, that it
15 would never have gotten anywhere, that I -- there would have
16 been -- there's no confidentiality. I felt that Mr.
17 Gallagher would take my best interests to heart and open up
18 an investigation or get it to the Sheriff so the Sheriff
19 would open up an investigation as to what was going on in the
20 department.

21 Q. Now, you're familiar with the general orders, are you
22 not?

23 A. Yes, I am.

24 Q. Explain to the jury why it is that you would be familiar
25 with general orders?

1 A. I taught sexual harassment to all of the recruits and
2 all of the in-service classes that went on at the Sheriff's
3 Department, and I taught sexual harassment, the policy and --
4 the legal aspect of the policy and domestic violence.

5 Q. And in the course of your teaching, did you have a
6 curriculum that was approved by the department?

7 A. Yes.

8 Q. How many ways are there to complain under the policy?

9 A. There's a multitude of ways to complain.

10 Q. For instance?

11 A. Verbal, written. Those are the main -- the main ways to
12 complain about sexual harassment.

13 Q. There's a form --

14 A. As far as the general order goes, yes.

15 Q. The general order has a form?

16 A. Yes, the general order has a form.

17 Q. Is that the only way you can complain, is by filling out
18 that form?

19 A. No, that is not the only way you can complain.

20 Q. While you were deputy director, did you become aware of
21 harassment or discrimination complaints made within the
22 department as a function of your job?

23 A. Yes, I did.

24 Q. Tell the jury what your function was in the process of
25 those complaints?

1 A. I would -- if I came to know about any type of
2 harassment, I encouraged the investigators or the victim of
3 the domestic -- or sexual harassment to tell somebody, to go
4 and file a formal complaint.

5 Q. Okay. And do you recall a discussion with Mr. Sullivan
6 about complaints of this type?

7 A. Yes.

8 Q. And did they involve a --

9 THE COURT: When did that occur? When did that
10 discussion occur?

11 THE WITNESS: The discussion occurred -- it
12 occurred on two different occasions, your Honor.

13 THE COURT: What was the first occasion?

14 THE WITNESS: One occasion would probably have been
15 right around 2006.

16 THE COURT: Where did that occur?

17 THE WITNESS: Both of them were in 2006.

18 THE COURT: Where did the first one occur?

19 THE WITNESS: The first one occurred in Mr.
20 Sullivan's office at Day Reporting -- both of them occurred
21 in Mr. Sullivan's office.

22 THE COURT: Who was present?

23 THE WITNESS: It was him and I.

24 THE COURT: Okay.

25 BY MR. CASSON:

1 Q. And who was the investigator involved?

2 A. The first investigator involved was Tenille Miller, and
3 the second was Sally Guide-Campillo.

4 Q. With regard to Ms. Miller, what did Mr. Sullivan say?

5 A. He told -- he told me --

6 MR. HALLSTEN: Objection, your Honor, foundation.

7 THE COURT: Can you give us a little more
8 specificity as to the time in 2006 the first conversation
9 regarding Ms. Miller -- when that took place?

10 THE WITNESS: As far as the -- a timeframe, your
11 Honor?

12 THE COURT: Yes.

13 THE WITNESS: I'm going to say early in 2006.

14 THE COURT: Okay.

15 BY MR. CASSON:

16 Q. Was it still in the wintertime?

17 A. I believe so.

18 Q. And --

19 A. I believe so.

20 Q. And the second --

21 THE COURT: Why don't we just take the first one
22 now and --

23 MR. CASSON: Yes, your Honor.

24 BY MR. CASSON:

25 Q. The first one regarded Ms. Miller, correct?

1 A. That's correct.

2 Q. What did Mr. Sullivan say?

3 A. He said that we can't have this type of thing going on
4 at Day Reporting, that it was just going to have to --

5 MR. HALLSTEN: Objection, your Honor. We don't
6 have any idea what the witness is talking about, what's been
7 going on. There's no foundation for this conversation.

8 THE COURT: Why don't you lay a little better
9 foundation, Mr. Casson.

10 MR. CASSON: Sure.

11 BY MR. CASSON:

12 Q. At the time that you had the conversation -- first, did
13 he call you into his office at that point?

14 A. Yes, he did.

15 Q. Did you know why?

16 A. No, I did not.

17 Q. Where was his office in relation --

18 THE COURT: I think that's good enough. Can we get
19 to the nature of the conversation?

20 MR. CASSON: Sure.

21 BY MR. CASSON:

22 Q. What was the nature of the conversation?

23 A. The nature of the conversation was the sexual harassment
24 allegation by Tenille Miller.

25 Q. And how did you become aware of it?

1 A. I became aware of it from Director Sullivan.

2 Q. And this was in the same conversation?

3 A. Yes, it was.

4 Q. What did he say?

5 A. He said that we can't have these allegations going on at
6 Day Reporting, that -- he just wanted this to go away.

7 Q. Were you given any instructions on how to make it go
8 away?

9 A. No, I was not.

10 Q. What happened to the complaint?

11 A. It was unfounded.

12 Q. It was -- did you make that finding?

13 A. No, I did not make that finding.

14 Q. How many -- are you aware of any investigations that --
15 strike that.

16 What does unfounded mean?

17 A. Unfounded means that they -- that it was -- there was no
18 -- no credence to the complaint whatsoever.

19 Q. Was there an investigation?

20 A. Yes.

21 Q. And what was the investigation consisted of -- what did
22 it consist of?

23 A. It was --

24 MR. HALLSTEN: Objection, your Honor, foundation.

25 THE COURT: Yes. She can testify to her own

1 firsthand knowledge. If she's testifying to some hearsay
2 information, you're going have to identify it.

3 BY MR. CASSON:

4 Q. The second incident, who did that involve?

5 A. It involved Sally Guide-Campillo.

6 Q. And when did you have that conversation with
7 Mr. Sullivan?

8 A. It was after Investigator Campillo had already written
9 the paperwork and sent it to Internal Affairs.

10 Q. Is that an effective way to complain --

11 A. No.

12 Q. -- under the policy?

13 A. No.

14 Q. Why?

15 A. It's totally ineffective because that doesn't -- the
16 policy doesn't mirror the practice in the Sheriff's
17 Department.

18 Q. And how is that?

19 A. The policy says that this is what's going to happen:
20 You are going to write a complaint, it's going to -- an
21 investigation is going to be opened, we are going to do an
22 investigation, we are going to question people, we are going
23 to be fair and open-minded, and we are going to look at all
24 the facts and we are going to make a determination. That's
25 what the policy says.

1 The practice says if you put it in writing and you
2 make a complaint, you are going to be demoted, you are going
3 to be punished, you are going to be -- you're going to be in
4 a lot of trouble.

5 Q. And was that your understanding of what Mr. Sullivan was
6 telling you with regard to Ms. Miller?

7 A. Yes, absolutely.

8 Q. Were you ever asked by Mr. Sullivan to have a
9 conversation with Ms. Campillo?

10 A. Yes.

11 Q. And what were you asked to say?

12 A. I was asked to tell her to quit putting things on F'g
13 paper.

14 Q. And what did the paper refer to?

15 A. The paper referred to the complaints that she was making
16 about the abusive situations at Day Reporting.

17 Q. Was Ms. Campillo ever promoted, to your knowledge?

18 A. No, she was not.

19 Q. Was Ms. Miller ever promoted?

20 A. No, she was not.

21 Q. Were you aware of any other employees who made
22 complaints?

23 A. Yes.

24 Q. And who were they?

25 A. Investigator Jeanie Foster made a complaint,

1 Investigator Sarah Tucker made a complaint, Investigator
2 Tenille Miller and Investigator Thelma Meredith made a
3 complaint.

4 Q. Did Mr. Sullivan ever indicate to you that he was going
5 to have you fired?

6 A. Yes.

7 Q. When did he say that to you?

8 A. He said that to me in 2005 and he said it again in 2006.

9 Q. And where were you when he said that?

10 A. We were -- I was in his office both times.

11 Q. And what was -- what were you doing in his office?

12 A. He had called me in there. The 2005 incident was when
13 he had told me that he was going to open up the
14 investigation, and the 2006 incident was when Investigator
15 Campillo, when he told me to get her to quit putting things
16 on F'g paper, and obviously I didn't learn my lesson the
17 first time, that he was going to have to take it a step
18 further.

19 Q. Okay. In that incident in 2005, ultimately what were
20 you charged with?

21 A. I was charged with letting a participant go that had
22 tampered with urine and allowing an investigator to
23 circumvent the chain of command by speaking with them.

24 Q. Was any of that true?

25 A. No, it was not.

1 Q. Was there a rule on tampering with urine?

2 A. No, there was not.

3 Q. And did you have anybody circumvent any chain of
4 authority?

5 A. Absolutely not.

6 Q. Was there a particular general order that you were
7 accused of violating?

8 A. They used rules of conduct, which is really a catch-all
9 general order. You can -- from stepping on a crack in the
10 sidewalk to going all the way up to a major transgression.

11 Q. Based on your experience within the department, when
12 there is truly a need for disciplinary action, is it related
13 in any way to the general orders?

14 A. Not really.

15 Q. While you were at the -- under the direction of
16 Mr. Sullivan, what was the process, or protocols of
17 discipline that he employed?

18 A. He would tell somebody -- if he didn't like somebody, he
19 would put his two chiefs who were his -- pretty much his
20 minions, he would put them on them and he would get them to
21 start writing them up and building a case against them.

22 Q. Was there any avenue to defend one's self?

23 A. No.

24 Q. Why?

25 A. It was a totally ineffective entire false wall of

1 defense. It was -- if --

2 Q. I'm not sure I know what you mean there.

3 Could you defend yourself if you were accused by
4 Mr. Sullivan?

5 A. You could.

6 Q. To what end?

7 A. To no end.

8 Q. When was the determination made?

9 A. The determination was made when he told them what
10 determination should be made.

11 Q. Did he make the disciplinary determination?

12 A. No. He told whoever was in charge of making the
13 disciplinary determination, whether it was the Inspector
14 General's office or the Internal Affairs office.

15 Q. So he would tell them what he wanted?

16 A. Yes.

17 Q. Did Mr. Sullivan do anything else that affected how you
18 did your job after the incident in 2005?

19 A. Yes. Mr. Sullivan had me pretty much ostracized. He
20 told me I had to write a memo, that no investigators could
21 come in and talk to me. He told me that I had to go to the
22 investigators' chiefs and ask the investigators' chiefs if I
23 could talk to them. And I had to give the investigators'
24 chiefs a little background on what I wanted to talk to them
25 about. And I wasn't allowed to talk to anybody. I was -- he

1 wanted me to sit in my office and just stay in my office.

2 Q. Did you have any discussions with him about that
3 decision?

4 A. It was futile to have any discussions about that
5 decision.

6 Q. Did you have any other -- were you able to do your job
7 at that point?

8 A. No.

9 Q. Why?

10 A. It's hard to do your job with your hands tied behind
11 your back.

12 Q. Was this important to you, to be able to do that?

13 A. It was very important to me.

14 Q. Why?

15 A. I loved my job. I really did love my job. It was -- I
16 got such a sense of satisfaction from it. It really -- it
17 was -- it meant a lot to me.

18 Q. When you left the department how much were you earning?

19 A. Approximately \$83,000 a year.

20 Q. And how long did it take you to get to that point?

21 A. 13-and-a-half years.

22 Q. Did you have any benefits?

23 A. Did I? Yes, I had benefits. I had medical, dental,
24 vision.

25 Q. When you were let go did you have any other means of

1 income?

2 A. None.

3 Q. Did you earn any income from the college?

4 A. Approximately \$3500 a semester.

5 Q. That's -- is that the same amount that you had been
6 earning while you were employed?

7 A. Yes.

8 Q. And did you have any other jobs in 2007?

9 A. In 2007? No.

10 Q. How about in 2008?

11 A. In 2008, yes.

12 Q. What did you do?

13 A. I found a job at the Oak Lawn Elks Club.

14 Q. I take it the Oak Lawn Elks Club is in Oak Lawn?

15 A. Yes, it is in Oak Lawn.

16 Q. Who turned out to be a member after -- did you find out
17 that a particular somebody turned out to be a member of the
18 Elks Club?

19 A. Yes.

20 Q. And who was that?

21 A. Mr. Sullivan.

22 Q. How long did you have that job?

23 A. I had the job for less than a year.

24 Q. Okay. And after you left, did you get any other
25 employment?

1 A. While I was still employed at the Oak Lawn Elks Club, I
2 got a job at Christ Hospital and Medical Center.

3 Q. And where are you employed now?

4 A. At Christ Hospital and Medical Center.

5 Q. What is your job? What do you do?

6 A. I'm a secretary in the emergency room.

7 Q. How much do you earn there?

8 A. Approximately -- well, \$15.75 an hour because I -- I
9 work 3:00 to 11:00, so I get an afternoon differential.

10 Q. How much a year?

11 A. I believe it's maybe \$30,000 a year.

12 Q. And you still get the -- you still earn \$3500 a semester
13 at the college?

14 A. Yes, yes, I still teach at the college.

15 Q. Have you gone to see any -- have you had any physical
16 problems as a result of what happened at work -- at the
17 Sheriff's Department?

18 A. Yes.

19 Q. What are they?

20 A. Since 2005 I've experienced bouts of depression and
21 anxiety, and I have pretty good bouts with insomnia and
22 stomach problems.

23 Q. Did you go see a doctor about it?

24 A. Yes.

25 Q. Who did you go see?

1 A. I see Dr. Nancy Nelson for -- she's a psychotherapist
2 for the depression and the anxiety.

3 Q. And how long have you been seeing her?

4 A. Since 2005.

5 Q. When in 2005 did you begin seeing her?

6 A. Right after I was detailed to SWAP, after the incident
7 occurred at the Day Reporting program.

8 Q. On the day of the one particular incident, were you
9 upset that day?

10 A. Oh, yes, I was hysterical.

11 Q. What do you mean hysterical? What did you do?

12 A. I was crying and I was -- I was yelling. I just -- I --
13 I couldn't believe that he didn't understand what was going
14 on and that he was talking to me in the manner that he was
15 talking to me.

16 Q. Did anybody else -- was anybody else in the room when
17 you were crying?

18 A. Investigator Acevedo I believe came into my office right
19 after the incident happened. I was still -- I was in my
20 office at the time and I was still crying.

21 Q. Did anybody else come into your office or come by your
22 office?

23 A. Investigator Roberts was standing outside of the main
24 office where our offices were located. Investigator Campillo
25 was in the mail room, which was a room right outside of our

1 offices. And Investigator Gauntley (phonetic) was standing
2 in the hallway right outside of our office.

3 Q. Were you able to drive home that day?

4 A. No.

5 Q. Who came and got you?

6 A. My husband came and got me.

7 Q. Were you still crying when he got there?

8 A. Yes.

9 Q. Explain why that -- why it was so upsetting that you
10 were crying that long?

11 A. Because I -- it was horrifying. It was a horrifying
12 situation, just to know that somebody had that much -- had
13 that much power over you that no matter what you said, no
14 matter what the truth was, that it didn't matter. Nothing
15 mattered at that point except for where it was going and how
16 he was screaming at me.

17 Q. Had you ever been accused of having a sexual
18 relationship with a prisoner or an inmate?

19 A. Never, not up until that day.

20 Q. Did you end up having to tell your husband and family
21 about it?

22 A. Yes.

23 Q. What did you tell them?

24 A. I told them that -- what he had accused me of and that,
25 you know, I -- I would never want to ever cause any disgrace

1 on my family like that.

2 Q. Is it a violation of the general orders?

3 THE COURT: I think we've covered this, Mr. Casson.

4 MR. CASSON: Okay, Judge. I'll move on.

5 BY MR. CASSON:

6 Q. When you sought treatment, did you tell the -- did you
7 explain this to your therapist?

8 A. Yes.

9 Q. And what was the course of treatment?

10 A. I went to see her twice a week. Then I couldn't afford
11 to go twice a week any more, so I had to go every other week,
12 and I continued with that until just recently. I didn't have
13 insurance for a long time.

14 Q. Have you started to see her less recently?

15 A. Yes.

16 Q. Did you see any medical doctors?

17 A. Yes.

18 Q. And why did you go see the medical doctors?

19 A. For my insomnia and my stomach problems.

20 Q. And who did you see?

21 A. Dr. Theresa O'Connor.

22 Q. And how long did you see Dr. O'Connor for your physical
23 problems?

24 A. Twice a year I go to her.

25 Q. Were you prescribed any medications?

1 A. Yes.

2 Q. What?

3 A. I was prescribed Paxil.

4 Q. Any others?

5 A. I take Estradiol, which is a hormone.

6 Q. What is it that you feel you lost when you lost your job
7 as deputy director?

8 A. I lost a big part of my life. That was -- it wasn't a
9 job -- that was not a job to me; that was my career. I was
10 very invested in the program, in the success of the program,
11 in the success of the participants, in seeing somebody that
12 came into the program who virtually didn't have any tools
13 whatsoever and walk out of the program with a G.E.D. and
14 active employment and -- it just was a very satisfying
15 career. I lost a lot.

16 Q. And in comparison, what was it that Mr. Sullivan
17 expressed to you about the value of that program?

18 A. Well, Mr. Sullivan was retired. He was -- he came in
19 and he was a retired -- he was retired and he was collecting
20 a pension. And he said on more than one occasion that the
21 money that he made at Day Reporting was the easiest 90,000 he
22 ever made in his life.

23 Q. Was that one of the reasons why you had mostly
24 operational responsibility?

25 A. Yes. He didn't understand the program, he didn't

1 understand the concept of the program. And he never really
2 expressed an interest in learning the meat and potatoes of
3 the program.

4 Q. But you did?

5 A. Yes.

6 MR. CASSON: Judge, that's all I have. Thank you.

7 THE COURT: Cross?

8 MR. BOWMAN: Judge, we're going to use the ELM0.

9 THE COURT: Do you want the ELM0?

10 MR. BOWMAN: Yes.

11 THE COURT: All right. Let's take a break now.

12 We're going to have to bring up Mark from the technical
13 department.

14 We'll take a recess, ladies and gentlemen, while we
15 work on this.

16 You can step down. Let me ask you not to discuss
17 your testimony with anyone until you have completed your
18 examination.

19 (Brief recess was taken.)

20

21

22

23

24

25

(Jury enters courtroom.)

THE COURT: You may come up.

Ready to proceed?

MR. HALLSTEN: Yes, your Honor.

THE COURT: Very well.

BY MR. HALLSTEN:

Q. Good afternoon, Miss Passananti.

A. Good afternoon.

Q. Now, you testified in 2008 you worked for the Elks Club?

A. Correct.

Q. And you had a year-long contract with the Elk Club --
Elks Club, didn't you?

A. Yes.

Q. But you testified you left shorter than a year, didn't
you?

A. That's correct.

Q. And why did you leave shorter than a year, Miss
Passananti?

MR. CASSON: Objection. Relevance, your Honor.

THE COURT: Overruled.

BY THE WITNESS:

A. I left because there was a -- it was a very closed
system at the Elks Club and I felt that I was un -- unwanted.
And that is not a nice place -- that is not a nice thing to
feel when you are working somewhere.

1 Q. You, in fact, negotiated a buy-out of your contract,
2 didn't you, Miss Passananti?

3 A. Yes. I offered them to buy me out of my contract, yes.

4 Q. And what was it that you offered them in exchange for
5 that buy-out?

6 A. Well, they -- if I would have stayed, they would have
7 had to pay me X amount of dollars. And I took and chopped it
8 in half and -- and they bought me out of my contract for
9 \$12,500.00.

10 Q. Didn't you, in fact, tell them that if they bought you
11 out of your contract, that you wouldn't file a harassment
12 charge against them?

13 A. No, I did not.

14 Q. Miss Passananti, do you recall giving a deposition in
15 this case on February 18th, 2010?

16 A. Yes.

17 Q. And at that deposition your attorney, Mr. Casson, was
18 present and I and Mr. Bowman were -- were present and you --
19 you gave questions and answers and a court reporter was
20 present, correct?

21 A. Correct.

22 Q. And you -- you recall me asking you questions and you
23 giving answers, correct?

24 A. That's correct.

25 Q. Do you recall me asking this question of you at that

1 deposition and you giving the following answer:

2 MR. CASSON: Page and line number, counsel.

3 MR. HALLSTEN: Page 109, 20 -- starting at 23.

4 BY MR. HALLSTEN:

5 Q. "Q. Well, did you state that you would accept the
6 buy-out in lieu of filing some type of charge against
7 them?

8 A. Yes, yes.

9 Q. And what was the basis of that potential charge
10 going to be?"

11 Mr. Casson objected on form and foundation, said,
12 "Go ahead and answer." The witness testified: "Hostile work
13 environment."

14 A. It was a very hostile environment there.

15 THE COURT: Did you answer that? Did you make that
16 answer to that question, ma'am?

17 THE WITNESS: Yes.

18 BY MR. HALLSTEN:

19 Q. So a couple moments ago when I asked you if you offered
20 that buy-out in lieu of not filing a charge against them, you
21 said no. And now it appears that you, in fact, did offer
22 them a buy-out so that you wouldn't file a hostile work
23 environment charge against them, correct?

24 A. Well, there was no basis for a hostile work environment.

25 THE COURT: Can you answer the question yes or no,

1 ma'am.

2 THE WITNESS: No.

3 THE COURT: Wait. Could I hear -- would you read
4 the question back, please.

5 (Record read as requested.)

6 THE WITNESS: Correct.

7 BY MR. HALLSTEN:

8 Q. Now, let's go back to your employment with the Sheriff,
9 Miss Passananti. You testified that you -- you taught sexual
10 harassment at the Training Academy, is that correct?

11 A. That's correct.

12 Q. And when these new cadets -- were these cadets that you
13 taught the training to?

14 A. Yes.

15 Q. And what was the type of training -- did you have a
16 classroom? Did you lecture? Is that how you taught sexual
17 harassment?

18 A. Yes.

19 Q. And did you have the General Order as one of the
20 documents that you taught from to these cadets?

21 A. Yes.

22 Q. And in your training seminars with these cadets, did you
23 ever tell your cadets that don't bother listening to me
24 because this policy is not enforced?

25 A. No.

1 Q. Okay. Did you tell the cadets that this is important
2 policy that the Sheriff has initiated to protect you and your
3 rights in the workplace?

4 A. Yes.

5 Q. And, in fact, you are an expert on the sexual harassment
6 policy in the Sheriff's Office, correct?

7 A. No.

8 Q. You are not an expert. Is there -- was there a time in
9 2003 or 2002 where you were asked by the Sheriff to testify
10 at a deposition as the Office's expert on sexual harassment
11 policies in the Jail?

12 A. It wasn't as an expert. It was as an officer of policy
13 for the Sheriff's Department, correct.

14 Q. And you were to speak on behalf of the Sheriff's Office
15 regarding the sexual harassment policy, correct?

16 A. That is correct.

17 Q. And at that deposition did you -- did you state under
18 oath that you -- that there was nobody who knew more about
19 that policy in the Sheriff's Office than you?

20 A. I don't recall saying that.

21 Q. Do you recall giving a deposition on April 26th, 2002,
22 in that -- in that case where Dana Kurtz was present and your
23 -- you had a lawyer named Manny Flores --

24 A. Yes.

25 Q. -- and she asked you questions --

1 A. Yes.

2 Q. -- regarding this -- this matter?

3 And do you recall being asked this question, Miss
4 Passananti: "With respect to number one, the policy,
5 practices and procedures regarding and related to sexual
6 harassment, gender discrimination and retaliation, do you
7 know of anyone else that is more knowledgeable than you --
8 than you that could testify about these topics?" And you
9 answered, "No."

10 MR. CASSON: Your Honor, I am going to object. It
11 is not impeaching.

12 THE COURT: It is an admission by a party opponent
13 under 801.

14 MR. CASSON: I agree, but I think it is --

15 THE COURT: Well, it is admissible.

16 MR. CASSON: It is being offered as impeachment.

17 THE COURT: It doesn't matter. It is an admission
18 by a party opponent.

19 MR. CASSON: I understand that, your Honor.

20 BY MR. HALLSTEN:

21 Q. So on that date --

22 THE COURT: Wait. I don't know if she made an
23 answer to that question.

24 Can you find the question. It is the one before
25 this last exchange.

1 (Record read as requested.)

2 THE COURT: Was that question asked of you and did
3 you make that answer?

4 THE WITNESS: Yes.

5 BY MR. HALLSTEN:

6 Q. So it appears there was a time when you held out to
7 others on behalf of the Sheriff that you knew more about the
8 sexual harassment policy than anybody else in the Sheriff's
9 Office, isn't that correct?

10 A. That's correct.

11 Q. And that sexual harassment policy is contained in
12 General Order 3.7A, correct?

13 A. Correct.

14 Q. And general -- General Order 3.7A contains the entire
15 policy and includes a complaint form, correct?

16 A. Correct.

17 THE COURT: Mr. Hallsten -- we are off the record.

18 (Discussion held off the record.)

19 BY MR. HALLSTEN:

20 Q. Miss Passananti, can you see the document on the screen
21 in front of you?

22 A. Yes.

23 THE COURT: Do you want to give that an exhibit
24 designation, please.

25 MR. HALLSTEN: I don't know that we have numbers.

1 It is the General Order 3.78.

2 THE COURT: Exhibit General Order. What is the
3 No. 3 point?

4 MR. HALLSTEN: 7A.

5 THE COURT: 7A, as in apple?

6 MR. HALLSTEN: Yes, your Honor.

7 THE COURT: Okay. Is there an objection to -- to
8 the admission of this, Mr. Casson?

9 MR. CASSON: No, your Honor.

10 THE COURT: All right. That will be admitted.

11 (Above-named exhibit received in evidence.)

12 THE COURT: Do you want to publish that?

13 MR. HALLSTEN: Yes, your Honor.

14 BY MR. HALLSTEN:

15 Q. Miss Passananti, do you recognize the first page of this
16 exhibit?

17 A. Yes.

18 Q. And is this page that I am show -- that you see on your,
19 screen is this an accurate copy of the first page of the
20 General Order 3.7A?

21 A. Yes.

22 Q. And is this, in fact, the sexual harassment policy that
23 the Sheriff has in place at the Jail?

24 A. Yes.

25 Q. And is this the policy from -- is this the General Order

1 from which you teach your cadets at Training Academy the
2 sexual harassment policies at the Jail?

3 A. That's correct.

4 Q. And when you -- I am going to --

5 THE COURT: You can zoom in on that too.

6 MR. HALLSTEN: Thank you, your Honor.

7 THE COURT: Do you see the controls? There is
8 controls on that little ledge that comes out. And I think
9 there is controls on the Elmo itself.

10 MR. HALLSTEN: Thank you.

11 BY MR. HALLSTEN:

12 Q. Now, contained in this General Order, Miss Passananti,
13 is a reporting mechanism, isn't it -- is that not correct?

14 A. Yes, that's correct.

15 Q. Okay. And I am going to turn to Page 3 of the General
16 Order and show you -- do you recognize that portion of the
17 General Order which is highlighted -- is -- by letter B,
18 which just left the screen.

19 Hold on a second. Jamie.

20 THE COURT: Mr. Bowman, maybe you can operate it.

21 MR. HALLSTEN: You moved it too much.

22 THE COURT: We will see how many lawyers it takes
23 to operate --

24 MR. HALLSTEN: All right. That is good.

25 THE COURT: You might zoom on that just a might

1 more.

2 I can do it from up here, if you want to hold on a
3 second. Let me try my hand at it.

4 I take it back.

5 MR. HALLSTEN: I am afraid to touch it again.

6 THE COURT: I am not getting it. Mr. Bowman, maybe
7 you can zoom in for us a little bit.

8 MR. HALLSTEN: That is good.

9 THE COURT: There you go.

10 Can you see that, ladies and gentlemen?

11 BY MR. HALLSTEN:

12 Q. All right. In this little break, Miss Passananti, have
13 you had a chance to review -- have you had a chance to review
14 those reporting provisions as we were playing with the Elmo?

15 A. Yes.

16 Q. Now, are these the reporting procedures that are
17 contained in the General Order as you understand it?

18 A. Yes.

19 Q. Okay. And are these the same reporting procedures that
20 you teach to the cadets in the Training Academy?

21 A. Yes.

22 Q. And that you -- do you tell these cadets that if they
23 utilize these reporting procedures, that will be protected
24 from sexual harassment in the workplace?

25 A. I tell them verbatim what the General Order states.

1 Q. And you tell them this is what they should do if they
2 are subjected to unwarranted sexual harassment conduct in the
3 workplace, correct?

4 A. That is correct.

5 Q. Okay. And let's take -- let's take the first paragraph.
6 The first paragraph says, "The Sheriff's Office will attempt
7 to provide employees with convenient, confidential and
8 reliable mechanisms for reporting incidents of sexual
9 harassment and retaliation." This General Order implies that
10 there is more than one reporting mechanism. Is that your
11 understanding of this?

12 A. Yes.

13 Q. Okay. The second sentence allows an employee up to a
14 year to make a claim, correct?

15 A. Correct.

16 Q. Okay. And it also encourages people who witness these
17 acts to file claims on behalf of other -- of other employees
18 to help prevent such sexual harassment in the future,
19 correct?

20 A. Correct.

21 Q. Now, provision one states that whenever -- whenever
22 possible the victim should directly inform the harasser that
23 the conduct is unwelcome, is that correct?

24 A. Yes.

25 Q. Now, it -- if I go to the next page, the -- the second

1 -- the second paragraph has a provision, however, that states
2 if your immediate supervisor is the alleged harasser, that
3 you should skip that supervisor and go onto the next person
4 in chain of command, correct?

5 A. Correct.

6 Q. Okay. And this is what you teach your cadets in the
7 Academy of how to approach a sexual harassment problem in the
8 Jail, correct?

9 A. Correct.

10 Q. Now, the supervisor or the next in command that a person
11 notifies is to acknowledge receipt of the sexual harassment
12 complaint form and -- and sign it, correct?

13 A. Correct.

14 Q. Right. And I skipped a step. So the -- in order to
15 make a complaint, the employee should fill out the complaint
16 form that is attached to this General Order, correct?

17 A. Correct.

18 Q. And it is attached to the back and it looks like this,
19 correct, your Honor -- or correct, Miss Passananti?

20 A. Correct.

21 Q. Okay. And that supervisor or next in command that you
22 notify is to write up a report and submit that complaint to
23 the Inspector General's office through Internal Affairs,
24 correct?

25 A. Correct.

1 Q. Okay. Now, this wasn't always the way for sexual
2 harassment complaints, correct?

3 A. Correct.

4 Q. It used to go just to Internal Affairs, correct?

5 A. That is correct.

6 Q. All right. And at some point along the line somebody
7 determined that that wasn't an effective way of dealing with
8 these complaints, correct?

9 A. Correct.

10 Q. And so they -- for sexual harassment claims in
11 particular the Sheriff's Office instituted a new policy that
12 directed the complaints away from the Internal Affairs
13 Department to the Office of the Inspector General, correct?

14 A. Correct.

15 Q. Because Internal Affairs departments are -- are housed
16 in each of the little departments, correct?

17 A. That is correct.

18 Q. So if Internal Affairs -- if, say, something happened in
19 their reporting, the Internal Affairs Department for -- that
20 would have been -- that would have been responsible for that
21 complaint was the Internal Affairs Department of just DCSI,
22 correct?

23 A. Correct.

24 Q. And at some point it was determined that was too close
25 to the issue for sexual harassment, correct?

1 A. Well, I am not --

2 MR. CASSON: I am going to object to speculation,
3 your Honor.

4 THE COURT: Hold on a second, please.

5 MR. HALLSTEN: Your Honor, I will withdraw it.

6 THE COURT: Okay.

7 BY MR. HALLSTEN:

8 Q. So the policy was changed to take it away from the
9 individual Internal Affairs departments and put in the
10 overarching Office of the Inspector General, correct?

11 MR. CASSON: Object again, your Honor.
12 Speculation.

13 THE COURT: No, it is not speculation. There was
14 extensive direct examination on this point. He is entitled
15 to inquire. The objection is overruled.

16 BY THE WITNESS:

17 A. Correct.

18 BY MR. HALLSTEN:

19 Q. And this was done to provide some measure of protection
20 to the employee, correct?

21 A. I am not sure of what -- how -- why it was devised.

22 Q. Now, once the Office of the Inspector General gets the
23 complaint, they are instructed to promptly review all claims
24 of sexual harassment, correct?

25 A. That is what the policy says.

1 Q. Okay. And the Inspector General's office will be
2 responsible for the review of the sexual harassment
3 investigation, correct?

4 A. That is what the policy says, correct.

5 Q. But after the Office of the Inspector General completes
6 the investigation, they will advise the Sheriff and the
7 department head or designee of the findings, correct?

8 A. That is what the policy says, correct.

9 Q. And this policy further provides in No. 9 that after the
10 -- the employee who has made the complaint of sexual
11 harassment receives the findings in the case, that the
12 department head or designee is required to follow-up with
13 that person six weeks after the findings and determine
14 whether or not the behavior has been rectified, correct?

15 A. That is what the policy states, that's correct.

16 Q. Okay. And that is what you teach your cadets in the
17 Training Academy, correct?

18 A. Yes, I teach them the policy.

19 Q. Okay. Now, in your case, Miss Passananti, you have
20 testified that Mr. Sullivan had said mean words to you
21 repeatedly, correct?

22 A. That is correct.

23 Q. And that your testimony today is that you found those to
24 be sexually harassing conduct, correct?

25 A. That is correct.

1 Q. Okay. Now, where is your filled-out complaint form in
2 this case?

3 A. I wrote a document that you have in your possession that
4 is -- was my complaint.

5 Q. You wrote what document?

6 A. It was a document that you have in your possession.

7 Q. What -- what is the title of the document?

8 A. I -- I don't know. You have it in your possession. You
9 showed it to me.

10 Q. Which -- which document are you referring to? Will you
11 describe it.

12 A. Document that I sent to Dan Gallagher.

13 Q. All right. So the letter you wrote to Dan Gallagher --

14 A. That's correct.

15 Q. -- is your complaint form in this case?

16 A. That is correct.

17 Q. Okay. Now, you see the complaint form on the screen,
18 right?

19 A. Yes, I do.

20 Q. And you read the General Order that said that you are to
21 complete the sexual harassment complaint form and give it to
22 your supervisor and/or your supervisor's supervisor, correct?

23 A. That is what the policy states, correct.

24 Q. Right. Now, you testified -- now, did you complete this
25 form in this case?

1 A. No, I did not.

2 Q. Did you complete this form when Mr. Sullivan called you
3 a bitch?

4 A. No, I did not.

5 Q. Did you complete this form when Mr. Sullivan allegedly
6 accused of you sleeping with the inmate?

7 A. No, I did not.

8 Q. Did you submit this form at any other time when Mr.
9 Sullivan said anything of an inappropriate nature to you
10 based on your gender?

11 A. No, I did not.

12 Q. And however you state that, you did write something,
13 right? Your complaint you testified is this -- is this
14 letter to Dan Gallagher?

15 A. That's correct.

16 Q. Okay. And do you recognize -- is that the front page of
17 the letter that you say is your complaint in this case?

18 THE COURT: Hold on a second, gentlemen.

19 Do you recognize that?

20 THE WITNESS: Yes, I do.

21 THE COURT: What are you calling that? Are you not
22 -- do you have an exhibit mark on that?

23 MR. HALLSTEN: This is -- this is -- this is a
24 letter dated August 17th, 2005, from Miss Passananti to Dan
25 Gallagher.

1 THE COURT: That is September 17th?

2 MR. HALLSTEN: August 17.

3 THE COURT: August -- I got it. Are you moving the
4 admission of that?

5 MR. HALLSTEN: Pardon me, your Honor?

6 THE COURT: Are you moving the admission of that
7 exhibit?

8 MR. HALLSTEN: Yes, sir.

9 THE COURT: Any objection, Mr. Casson?

10 MR. CASSON: No objection, Judge.

11 THE COURT: That exhibit, letter 8/17/10 (sic),
12 will be admitted.

13 (Above-named exhibit will be received in evidence.)

14 BY MR. HALLSTEN:

15 Q. Now, Miss Passananti, this doesn't look like the sexual
16 harassment complaint register form that is attached to the
17 back of the General Order, does it?

18 A. No, it does not.

19 Q. And who is Dan Gallagher?

20 A. Dan Gallagher is -- was the Sheriff's special counsel.

21 Q. Okay. And how do you -- how did you come to an
22 understanding that that was the Sheriff's special counsel?

23 A. Because Deputy Chief Rick Campillo advised me that he
24 was the Sheriff's special counsel.

25 Q. And you testified earlier that -- that Dan Gallagher did

1 not work in the Sheriff's Office, correct?

2 A. That is correct.

3 Q. So Dan Gallagher is not your supervisor, is he?

4 A. No, he is not.

5 Q. And he is not your supervisor's supervisor, is he?

6 A. No, he is not.

7 Q. Okay. Now, it is -- this front -- I would like to ask a
8 few questions on the letter. This is your complaint,
9 correct?

10 A. That along with the letter that is attached to it, yes.

11 Q. Okay. Now, this is a -- this is a nine -- what did you
12 testify it was, seven, eight -- nine-page letter detailing
13 all the harassment involved that Mr. Sullivan was doing to
14 you, correct?

15 A. Well, I testified that it was a document that was
16 stating what Mr. Sullivan was doing, yes.

17 Q. And when you say what "Mr. Sullivan was doing," you --
18 your -- you are referring to all the times when Mr. Sullivan
19 has referred to you in a sexually discriminatory manner,
20 correct?

21 A. No, I identified specifically what was going on in
22 August of 2005.

23 Q. Oh, so in August of 2005 you detailed every incident
24 Mr. Sullivan had -- in which Mr. Sullivan had referred to you
25 in a sexually discriminatory manner, correct?

1 A. No, I did not. I gave the synopsis of what was going on
2 in the situation in August of 2005.

3 Q. And you -- in August of 2005, we heard testimony that
4 that was when Mr. Sullivan allegedly accused you of sleeping
5 with an inmate, right?

6 A. Yes, sir.

7 Q. So you made sure that you put that accusation in this
8 letter, correct?

9 A. I am not sure if that accusation is in that letter or
10 not. I just wanted somebody to open up an investigation, as
11 I testified to.

12 Q. Okay. So you -- you state that you put -- that you
13 wanted somebody to open up an investigation in this case,
14 correct?

15 A. That's correct.

16 Q. And what type of investigation were you requesting?

17 A. Any investigation to look into what he was doing to me.

18 Q. Well, I mean did you want an investigation into -- did
19 you want -- did you request an investigation into Mr.
20 Sullivan's behavior towards you in the workplace?

21 A. Yes, anyone -- yes.

22 Q. Okay. Now, this is Page 1 of your letter, Miss
23 Passananti. Can you see it clearly?

24 A. Yes, I can see it clearly.

25 Q. Okay. Where is it on this page that you state that

1 Mr. Sullivan is sexual -- is -- is subjecting you to sexual
2 discriminatory remarks and that you want an investigation of
3 Mr. Sullivan's behavior towards you?

4 A. That was a cover letter to Mr. Gallagher.

5 Q. This is the cover -- I believe this is the cover letter,
6 am I correct?

7 A. That's correct.

8 Q. Okay. Where does it say that on this cover letter?

9 A. It doesn't say that on the cover letter.

10 Q. Okay. Well, then let's go to Page 1 of your letter.

11 All right. I am going to go half page so we can make sure we
12 see it. This is Page 1 of your letter, correct?

13 A. That is correct.

14 Q. Okay. Where on the top half of this page do you state
15 to Mr. Gallagher Mr. Sullivan is -- is -- is making sexually
16 harassing comments to me or treating me in a discriminatory
17 manner and I would like an investigation?

18 A. It doesn't say that on there.

19 Q. Okay. Do you want me -- I am going to slide up to the
20 bottom half of the page.

21 A. Okay.

22 Q. Okay. Where in there in the bottom half of Page 1 does
23 it state that Mr. Sullivan is -- is treating me in a sexually
24 discriminatory manner and I would like an investigation of
25 his conduct towards me?

1 A. This is just an overview of what was going on.

2 Q. Okay. Do you want me to go to the next page, Miss
3 Passananti?

4 A. If you would like.

5 Q. Okay. This is Page 2. Where on the top half of Page 2
6 do you notify or do you request of Mr. Gallagher that
7 Mr. Sullivan is treating you in a sexually discriminatory
8 manner and you want his behavior investigated?

9 A. I -- I don't believe it says it on that page.

10 Q. Okay. Do you want me to -- do you want to double-check
11 the bottom of the page too?

12 A. No, it still -- it is still an explanation of what was
13 going on.

14 Q. Okay. Then I will continue to move forward. That is
15 Page 3 of your letter to Mr. Gallagher. This is the top
16 half. Where on this page does it state that you have been
17 subjected to sexually discriminatory comments by Mr. Sullivan
18 and that you want his behavior investigated?

19 A. It doesn't say it on the top.

20 Q. Okay. I will slide to the bottom.

21 A. No, it still -- it is still an overview of the things
22 that he was doing.

23 Q. Okay. And when you say "things that he was doing," it
24 was referring to the investigation or the -- the incident
25 around Spiewak, correct?

1 Q. Okay. All right. This is Page 4, Miss Passananti. I
2 am going to stop fiddling with it. There.

3 Where is it on the top of Page 4 does it say that
4 you say to Dan Gallagher, Mr. Sullivan is treating me in a
5 sexually discriminatory manner and I want his behavior
6 investigated?

7 A. It is still -- it is still an overview of what he was
8 doing as far as that Spiewak situation.

9 Q. Okay. I am going to move to the bottom of the page.
10 Where does it say that in there?

11 A. It says what was going on with Dan Romeo as far as the
12 Spiewak situation is concerned.

13 Q. Right. But does it say that you -- Mr. Sullivan is
14 treating me in a sexually discriminatory manner and I want
15 his behavior investigated?

16 A. No. The whole document implies that.

17 Q. Oh, did we miss something? Did I miss you making an
18 allegation about Mr. Sullivan in here?

19 A. No.

20 Q. Okay.

21 A. It was a synopsis of what was going on with that
22 situation.

23 Q. All right. Here is Page 5, Miss Passananti. Where is
24 it that you alert Dan Gallagher of Mr. Sullivan treating you
25 in a sexually discriminatory manner and that you request that

1 his behavior be investigated?

2 A. Just reviewing that -- what the things that he was
3 having other people do in his behalf.

4 Q. So it is not in this page either?

5 A. Well, the things that he was doing are on this page,
6 yes.

7 Q. Well, you -- I asked you whether or not is -- whether or
8 not this page contains the statement or the statement that
9 Mr. Sullivan is treating me in a sexually discriminatory
10 manner and I want his behavior investigated.

11 A. No.

12 Q. All right. Here is the bottom of Page 5.

13 A. It just says behavior is continuing.

14 Q. Where is it in this letter stated, Mr. Gallagher,
15 Mr. Sullivan is behaving in a sexually discriminatory manner
16 towards me and I want his behavior investigated?

17 A. Well, it says, "Approximately ten minutes later Pat
18 Sullivan called me in his office and began screaming at me.
19 He screamed, 'You are on dangerous ground again.' And I
20 asked what. He screamed, 'Shut the F up' and began screaming
21 that I let Acevedo get me in trouble again. I said, 'What
22 are you talking about?' He screamed I said, "Shut up you
23 YMB."

24 Q. All right. So let's continue on Page 6. All right. So
25 where on this page do you say to Mr. Gallagher, I --

1 Mr. Sullivan has been treating me in a sexually
2 discriminatory manner and I want his behavior investigated?

3 A. Those words are not on this -- on this page.

4 Q. Okay. And that what we looked at on Page 5 was the only
5 example that you provided in that letter of Mr. Sullivan
6 behaving in an improper manner towards you, correct?

7 A. No.

8 Q. Where were there other examples? Did I miss them?

9 A. The fact that he had one of his chiefs telling
10 investigators to change their to-firms to jam me would be bad
11 behavior also.

12 Q. Okay. Here is the bottom of this Page 6. Okay. Where
13 in this page does it say Mr. Sullivan is treating me in a
14 sexually discriminatory manner and I want his behavior
15 investigated?

16 A. It doesn't say those words. It simply demonstrates his
17 behaviors.

18 Q. Okay. It does not -- okay. All right. Let's continue.
19 Let's go to Page 7. Where in there does it contain language
20 demonstrating that you were telling Mr. Gallagher,
21 Mr. Sullivan is treating me in a sexually discriminatory
22 manner and you want his behavior investigated?

23 A. Again, it is just an overview of his bad behavior.

24 Q. Same thing for the bottom?

25 A. That is correct.

1 Q. This is Page 8. Is -- where in this page did you state,
2 Mr. Sullivan is behaving in a sexually discriminatory manner
3 and you want his behavior investigated?

4 A. Again, it doesn't say those exact words. It simply
5 demonstrates his bad behavior.

6 Q. Okay. You say it doesn't state those exact words. Does
7 it say any words similar?

8 A. No, but I assume that somebody that read that would see
9 that he was exhibiting bad behaviors.

10 Q. Where in here did you state that Mr. Sullivan is
11 behaving in a sexually discriminatory manner and you want his
12 behavior investigated?

13 A. Again, it doesn't say those exact words. It simply
14 demonstrates his bad behaviors.

15 Q. Okay. Let's -- let's look about Page 8. It says, "I
16 would never do anything that would in any way harm this
17 Department. I feel it is my responsibility to put someone
18 that has their own agenda and does not take into account
19 repercussions for the Sheriff's on notice. This is one of
20 those times." That -- where in that sentence do you request
21 that Mr. Sullivan be investigated?

22 A. Mr. Hallsten, it doesn't say those words exactly. It
23 simply -- this document simply states his bad behaviors.

24 Q. All right. I have one -- this is the last page of your
25 letter. All right. The last page of your letter. Where on

1 this letter do you state that Mr. Sullivan was engaged in
2 sexually discriminatory behavior and you wanted him
3 investigated?

4 A. Again, it doesn't state those words exactly. It simply
5 demonstrates his bad behaviors.

6 Q. Now, you testified earlier that this was your complaint
7 form, Miss Passananti?

8 A. Yes, it was definitely a complaint.

9 Q. And if you were called -- if you could -- in your review
10 of that, because most of that letter refers to how you should
11 not be found guilty of the Spewack incident, isn't that
12 correct?

13 A. No, it does not say that in there that I should not be
14 found guilty. It stated how he behaved about that situation.

15 Q. Now, you were investigated for the Spiewak incident,
16 correct?

17 A. That is correct.

18 Q. Okay. And what were the actual charges related to
19 Inmate Spiewak?

20 A. There was a rules of conduct for allowing somebody that
21 was caught tampering with their urine to be dismissed and
22 that I allowed investigators to circumvent the chain of
23 command by talking to them.

24 Q. All right. It had nothing to do with you sleeping with
25 an inmate, correct?

1 A. No.

2 Q. All right. Let's go back to this -- this complaint
3 letter. Okay. Now, we looked through this entire letter,
4 Miss Passananti, and nowhere in that letter does it request
5 that Mr. Sullivan's behavior be investigated, correct?

6 A. No, it simply stated his bad behaviors. And that should
7 have definitely opened up an investigation.

8 Q. And in that letter you stated -- you say it describes
9 his bad behavior. In that letter you only attribute one
10 quote to him where he allegedly calls you a bitch, correct?

11 A. In that one situation that is correct.

12 Q. That's right. And this was your complaint form, your
13 opportunity to explain all the things Mr. Sullivan was doing,
14 all of the comments that you claims -- you claim to this jury
15 that he had made in the past and you only identify one
16 statement that he has made, correct?

17 A. That document was immediately requested to open up an
18 investigation. It did nothing.

19 Q. Wait, wait. What do you mean that document was
20 requested to mean -- what are you referring to?

21 A. That that document -- if -- if the policy would have
22 been followed, that document would have caused an
23 investigation to be opened, which it did not.

24 Q. If the policy would have been followed, is that your
25 testimony?

1 A. Well, if anything -- if anyone that saw that document
2 would see that he had demonstrated very bad behaviors, it
3 would have called upon someone to open an investigation.

4 Q. We just looked at the policy, Miss Passananti.

5 A. That's correct.

6 Q. And the policy is very clear. The policy says that you
7 are to notify your supervisor or your supervisor's
8 supervisor, complete the sexual harassment complaint form and
9 submit that to one of those two people. That is what the
10 policy says?

11 A. That's correct. And the procedure would be -- would go
12 the way it was supposed to go in the Sheriff's Department,
13 that would have been adequate.

14 Q. Right. However, you didn't allow that to happen in this
15 case?

16 A. I did allow that to happen.

17 Q. You did not. You already testified --

18 A. I followed the policy. I followed the policy. I -- I
19 wrote a document requesting somebody to help me.

20 Q. Miss Passananti, you did not follow the policy. You
21 were required to fill out that form and submit it to either
22 your supervisor or your supervisor's supervisor. You did not
23 do that, correct?

24 A. But I did follow the policy because I verbalized what
25 was going on also to other people.

1 MR. HALLSTEN: Objection. Move to strike the
2 answer as nonresponsive.

3 THE COURT: Could I hear the question, please.
4 (Record read as requested.)

5 THE COURT: I think you can answer that yes or no,
6 Miss Passananti.

7 THE WITNESS: No.

8 THE COURT: You were not required to fill out the
9 form?

10 THE WITNESS: No.

11 THE COURT: Okay.

12 BY MR. HALLSTEN:

13 Q. Now, Miss Passananti, again, you wrote that letter -- it
14 is your testimony today that you wrote that letter, sent it
15 to Dan Gallagher, an employee who doesn't work for the
16 Sheriff's Office, and that was your attempt to highlight all
17 the sexually discriminating behavior that Mr. Sullivan
18 subjected to -- had allegedly subjected you to that you told
19 the jury about here today, correct?

20 A. No, that is not what I said.

21 Q. But this is your one complaint form, correct?

22 A. That is correct.

23 Q. Where in this complaint form do you inform Mr. Gallagher
24 of the allegedly harassing comments Mr. Sullivan was making
25 to other people?

1 A. Pardon me?

2 Q. Well, you -- your attorney asked you if he was making
3 comments to other people, and you testified, "Yes." Where is
4 the -- where is the comments about that -- about his other --
5 about other people in this letter?

6 MR. CASSON: Your Honor, I am going to object.

7 The --

8 THE COURT: Yeah, I --

9 MR. CASSON: The time line.

10 THE COURT: Well, I reversed my ruling and told you
11 you could go into that Mr. Casson, but you never did. So
12 that really has never been raised.

13 MR. HALLSTEN: All right.

14 BY MR. HALLSTEN:

15 Q. Now, you also testified that it was an allegedly
16 terribly traumatic event for you to have been told by Mr.
17 Sullivan that you were sleeping with that inmate, correct?

18 A. That is correct.

19 Q. Okay. And that -- and that was -- and that was so
20 traumatic to you that you made sure to put that in that
21 letter to Mr. Gallagher, correct?

22 A. I absolutely did not put that in somewhere that --
23 someone else was going to be able to see that information.

24 Q. So you chose not to put that allegation in the letter?

25 A. That is correct.

1 Q. So you understand the purpose of sexually harassment
2 policies and the nature of notice to the defendant and you
3 chose not to alert the defendant of the main allegation you
4 have raised here today, correct?

5 A. Pardon me?

6 Q. You --

7 THE COURT: Do you want the question read back?

8 THE WITNESS: Yes.

9 (Record read as requested.)

10 BY THE WITNESS:

11 A. Oh, no, I told him that day.

12 BY MR. HALLSTEN:

13 Q. You told who that day?

14 A. The defendant. I told the defendant that day that that
15 is -- that was absolutely unwarranted.

16 Q. Oh, I am referring to Mr. Gallagher in your complaint
17 letter, Miss Passananti. You deliberately excluded that
18 allegation from your complaint to Mr. Gallagher, correct?

19 A. Yes, I was mortified, yes.

20 Q. So the defendant would have no way of knowing that this
21 allegation even existed?

22 A. Well --

23 MR. CASSON: I am going to object, your Honor. It
24 is contrary to her --

25 THE COURT: If you have an objection, you can state

1 it. I will ask you not to make a speaking objection.

2 MR. CASSON: Yes.

3 THE COURT: What is the basis?

4 MR. CASSON: It is the form of the question, your
5 Honor.

6 THE COURT: Rephrase the question.

7 BY MR. HALLSTEN:

8 Q. You deliberately excluded the fact that Mr. Sullivan had
9 accused you -- allegedly accused you of sleeping with an
10 inmate from your letter which you claim is your complaint in
11 this case, correct?

12 A. That is correct.

13 Q. Okay. Now, the -- we talked a little bit about it. The
14 allegation was that you -- you were charged with improperly
15 allowing your subordinates to release a participant who had
16 tampered with his urine, correct?

17 A. That is correct.

18 Q. In fact, it wasn't just you who was charged with
19 violating the General Orders, it was also your subordinate
20 investigators, correct?

21 A. That is correct.

22 Q. Okay. And it was -- it was their actions in this case
23 that -- let me strike that, your Honor.

24 Okay. I believe you testified that you believed
25 that allowing a participant, an inmate participant -- a

1 participant to be released, even though he had tampered with
2 his urine, was not in violation of any order, written or
3 verbal, correct?

4 A. That is correct.

5 Q. Okay. Now, you had the benefit of a complete Office of
6 the Inspector General's investigation in this case, correct?

7 MR. CASSON: Objection to form, your Honor.

8 THE COURT: Overruled.

9 THE WITNESS: I had what?

10 BY MR. HALLSTEN:

11 Q. There were -- the Office of the Inspector General did a
12 complete investigation into this allegation, correct?

13 A. That is correct.

14 Q. And they took the witness statements of each of your
15 investigators and yourself, correct?

16 A. That is correct.

17 Q. And they took documentary evidence from each of your
18 investigators and from yourself and from Mr. Sullivan,
19 correct?

20 A. That is correct.

21 Q. Okay. And in that investigation it was -- were
22 handwritten notes that you wrote at the end of one of the
23 meetings from the day reporting center, correct?

24 A. That is correct.

25 Q. Okay. And those -- you -- your testimony was that there

1 was no verbal order stating that people who tamper with the
2 inmates -- participants who tamper with their urine should be
3 returned back to the Jail, correct?

4 A. That is correct.

5 Q. Now. Do you recognize these?

6 THE COURT: Is there an objection to this?

7 You got to identify it by exhibit designation of
8 some type. And then we have to determine whether there is an
9 objection before it is published to the jury.

10 MR. HALLSTEN: All right. Your Honor, these are
11 the handwritten notes of Miss Passananti that were sub --
12 were part of the IAD -- the OIG report into the Spiewak case
13 and were attached to her report and considered in the
14 investigation.

15 THE COURT: Mr. Casson, any objection to the
16 admission of plaintiff's handwritten notes?

17 MR. CASSON: Yeah, I -- to admission, yes, your
18 Honor. It is --

19 THE COURT: Basis?

20 MR. CASSON: They weren't disclosed as -- as an
21 exhibit.

22 MR. HALLSTEN: Your Honor, the plaintiff -- the
23 defendant has proposed the entire Spiewak file be admitted.
24 And plaintiff objected based on relevance and eliminated it
25 from the pretrial order without our consent.

1 THE COURT: All right. That exhibit is admitted.
2 The objection is because it wasn't disclosed,
3 Mr. Casson?

4 MR. CASSON: Yeah, he didn't put it on the pretrial
5 order. That is --

6 THE COURT: He has just explained why. But these
7 are your client's notes.

8 MR. CASSON: These are. This is part of the
9 investigation from the OIG, that's correct.

10 THE COURT: And -- let me see you at side bar.
11 (Proceedings heard at side bar:)

12 THE COURT: We got to do something so that you can
13 be heard here. It is a little over this way.

14 MR. CASSON: As your Honor knows, everybody has all
15 of these documents.

16 THE COURT: What is the surprise?

17 MR. CASSON: It just wasn't on the pretrial order.

18 MR. HALLSTEN: In our last --

19 THE COURT: I don't know if she can.

20 (Discussion held off the record.)

21 THE COURT: Why don't you identify yourselves
22 before you speak. So say your name. Okay.

23 MR. HALLSTEN: Don Hallsten on behalf of defendant.

24 MR. CASSON: Luke Casson for the plaintiff.

25 THE COURT: No, no, before you speak. She can't

1 see who is speaking because her back is to us.

2 Okay. So go ahead.

3 MR. HALLSTEN: Don. Judge, in our last back and
4 forth in the pretrial I had put italics under -- because
5 Mr. Casson had several of the exhibits from this report
6 already in his exhibit list.

7 THE COURT: All right.

8 MR. HALLSTEN: And I proposed we put the entire
9 exhibit in there as a exhibit. And Mr. Casson objected based
10 on relevance to the whole exhibit.

11 MR. CASSON: And hearsay. There was some hearsay
12 problems.

13 MR. HALLSTEN: And when Mr. Casson filed the joint
14 pretrial order, he neglected to keep those objections.

15 THE COURT: So you deleted them.

16 MR. CASSON: No, no, I didn't delete anything from
17 the pretrial.

18 MR. HALLSTEN: Well, then we proposed -- and these
19 are all part of this.

20 THE COURT: Wait. Wait a minute. Stop. When you
21 conferred regarding the pretrial order, you told the
22 defendant -- told the plaintiff the defendant wanted this
23 information as part of the entire file, the entire
24 investigation file, you wanted the entire file into evidence?

25 MR. CASSON: That's correct.

1 THE COURT: The plaintiff objected on grounds of
2 hearsay as to some and relevance to generally?

3 MR. CASSON: Correct.

4 THE COURT: That -- your proposal and his objection
5 were never included in the pretrial order, is that correct?

6 MR. HALLSTEN: And that is -- that is correct.

7 THE COURT: Okay.

8 MR. CASSON: My -- sent me over --

9 THE COURT: Did he tell you that he wanted to put
10 it in and do you say you objected?

11 MR. CASSON: I said I objected. I am not putting
12 it in my exhibits.

13 THE COURT: Well, but you didn't put in the
14 pretrial order as something he wanted to offer with your
15 objection is what he is saying.

16 MR. CASSON: No, he could have put it -- if he
17 wanted to put it in --

18 THE COURT: Oh, this is silliness.

19 MR. CASSON: Yeah.

20 THE COURT: This is just silliness right now.

21 MR. CASSON: I agree. Your Honor, I am not making
22 an issue of --

23 THE COURT: Well, you are making an issue. You
24 just objected.

25 MR. CASSON: I objected to it because it is not in

1 the pretrial order.

2 THE COURT: Because you didn't put it in.

3 MR. CASSON: It is not my -- it is on my exhibit
4 list, Judge.

5 THE COURT: Well, you could have put in that it was
6 his and he objected.

7 MR. CASSON: Well, he put in in his -- in his
8 exhibit list three things. Judge, it is not my fault -- my
9 fault that he -- I don't know what he wants.

10 THE COURT: I think there is some gamesmanship
11 here, and it is really disappointing.

12 MR. CASSON: Judge, it is not gamesmanship.

13 THE COURT: Are you telling me now that you are
14 surprised that he is going to offer this as an exhibit?

15 MR. CASSON: I did not say that. He showed it to
16 --

17 THE COURT: Keep your voice down.

18 MR. CASSON: Judge --

19 THE COURT: Wait, wait. Look.

20 MR. CASSON: We talked about it.

21 THE COURT: He moved the admission of this. You
22 objected on the grounds it wasn't in the pretrial order. Now
23 the clear implication of that is that you were somehow taken
24 aback, you were somehow surprised because it wasn't in the
25 pretrial order. If that is not the case, what did you even

1 bother to say it for?

2 MR. CASSON: Because I don't know what he is
3 offering --

4 THE COURT: Keep your voice down.

5 MR. CASSON: I don't know what he is offering it
6 for.

7 THE COURT: That is a separate issue, what he is
8 offering it for. We are not even at that stage. The clear
9 implication for your objection is, Judge, it wasn't in the
10 pretrial order. I am surprised he is offering this as an
11 exhibit. Now I find out there was an elaborate colloquy
12 during the time you prepared the pretrial order when he told
13 you verbally he wanted to put it and you objected.

14 Now, this is not really genuine, Mr. Casson.

15 MR. CASSON: May I speak?

16 THE COURT: Sure.

17 MR. CASSON: Judge, that is not true.

18 THE COURT: Keep your voice down.

19 MR. CASSON: I can't get it any lower. That is not
20 what

21 THE COURT: You get it lower or you won't speak at
22 all.

23 MR. CASSON: Your Honor, this is not what happened.
24 He sent me over -- he put something into my list. I said I
25 am not putting this.

1 THE COURT: Did he tell you that he wanted to offer
2 the entire file?

3 MR. CASSON: He state he wanted --

4 THE COURT: Can you answer me yes or no.

5 MR. CASSON: Yes.

6 THE COURT: Your objection is overruled.

7 MR. CASSON: Your Honor, I would still like to
8 make a record on it. I am not finished making my record.

9 THE COURT: You are on very thin ice.

10 MR. CASSON: I understand, your Honor. I have been
11 accused of playing some game.

12 THE COURT: Listen --

13 MR. CASSON: I would just like to be heard, Judge.

14 THE COURT: You made a comment at the pretrial
15 conference regarding Mr. Hallsten, that he had no substantive
16 evidence to offer. That was patently, blatantly false and an
17 obvious attempt to mislead. And I let it slide once. I am
18 telling you you have a obligation to be truthful and
19 forthright with me. Your opponent has just told me that he
20 discussed specifically he wanted to put the entire file,
21 including this exhibit into evidence, and you objected.

22 Now, is that or is that not true?

23 MR. CASSON: He -- yes.

24 THE COURT: Okay.

25 MR. CASSON: He wants to put it into evidence. I

1 don't have a problem with that.

2 THE COURT: Let's go.

3 MR. CASSON: I have an objection.

4 THE COURT: Then why?

5 MR. CASSON: I objected because it sounded like he
6 was using it for impeachment purposes.

7 THE COURT: This is silliness.

8 MR. CASSON: It was for admission.

9 THE COURT: It is her handwritten notes. It is an
10 admission by a party opponent. This is your client and her
11 handwriting.

12 MR. CASSON: I understand that, Judge.

13 THE COURT: This is silliness. Now you don't know
14 why it would go in as impeachment.

15 MR. CASSON: That is not what I am asking, Judge.

16 THE COURT: That is what you just --

17 MR. CASSON: I just said I didn't know why, if he
18 was offering it for impeachment or offering for substance.

19 THE COURT: What difference does it make? Your
20 first objection was that it wasn't in the pretrial order.
21 And the implication of that is that your opponent is trying
22 to pull a fast one.

23 MR. CASSON: No, Judge, it is not.

24 THE COURT: Okay. Let's go.

25 (Proceedings heard in open court:)

1 THE COURT: Your objection is overruled.

2 You are moving the admission of Exhibit N,
3 plaintiff's handwritten notes?

4 MR. HALLSTEN: Yes, your Honor.

5 BY MR. HALLSTEN:

6 Q. Okay. Now, I believe before we got sidetracked, Miss
7 Passananti, that you recognized this handwriting and these
8 notes, correct?

9 A. That is correct.

10 Q. Okay. And you see the date on there as May 19th of
11 2003, correct?

12 A. Correct.

13 Q. And at 10:30, correct?

14 A. Yes.

15 Q. And it says, "DCSI Director BD, Case investigator
16 staff." Is that some type of meeting that was occurring,
17 Miss Passananti?

18 A. Yes, it was a meeting with the new provider that was
19 just coming into day reporting.

20 Q. Okay. Now, I am going to flip to Page 4 of these notes
21 -- I think it is Page 4. Let's see. All right. Page 4 of
22 these notes. And see at the top --

23 A. Yes.

24 Q. -- where it says, "Director -- after meeting Director
25 Sullivan, urine tamper, right back to the Department of

1 Corrections, bring in bottles." Isn't that your handwriting
2 Miss Passananti?

3 A. "Bring in bottle."

4 Q. Yeah. And it says, "Urine tamper, right back to DOC."
5 And that is referring to the participant, isn't it, Miss
6 Passananti?

7 A. Yes, that was Director Sullivan's understanding, yes.

8 Q. And that was a verbal instruction to you that if there
9 was urine tampering, that the participant be sent right back
10 to the Department of Corrections, correct?

11 A. No, that is not correct.

12 Q. Well, what does that say, Miss Passananti?

13 A. That was part -- first of all, it says what I wrote
14 down.

15 Q. Okay. I will put it back on. I apologize.

16 A. It was part of the discussion. That was part of the
17 discussion. That was -- that was his provision. That was
18 what he offered at the meeting.

19 Q. Okay. Mr. Sullivan wanted -- if there -- Mr. Sullivan
20 stated if there was a urine tamper, that day reporting, which
21 he was the Director, that it is -- the participant was to be
22 sent right back to the the Department of Corrections?

23 A. No, that is what he offered at the meeting. He did not
24 say from this point forward all urine tampers go right back
25 to DOC. No, he did not say that.

1 Q. Despite what your notes say?

2 A. No, not -- that is exactly what my note says.

3 Q. Now, the Office of the Inspector General did a complete
4 investigation and interviewed a lot of witnesses, including
5 yourself, right -- correct, Miss Passananti?

6 A. That is correct.

7 Q. Okay. And you had an opportunity -- you were actually
8 interviewed by investigators in this case, correct?

9 A. That is correct.

10 Q. And they asked you questions about the investigation and
11 you were allowed to give answers, correct?

12 A. That is correct.

13 MR. HALLSTEN: Just a -- may I have a moment, your
14 Honor?

15 THE COURT: Yes.

16 MR. HALLSTEN: Thank you.

17 (Discussion held off the record.)

18 MR. HALLSTEN: Your Honor, this exhibit is the
19 statement given by Miss Passananti on September 13th, 2005,
20 to the Office of the Inspector General investigators
21 regarding the allegations in the Spiewak investigation, was
22 maintained -- was part of the Investigator General's file as
23 part of that entire exhibit that was proposed to be --

24 THE COURT: Can you tell me the date of the
25 statement.

1 MR. HALLSTEN: Yes, sir, it is -- yes, your Honor,
2 it is 13 September 2005.

3 THE COURT: You are moving the admission of that
4 exhibit?

5 MR. HALLSTEN: Yes, your Honor.

6 THE COURT: Any objection, Mr. Casson?

7 MR. CASSON: I am assuming it is the same one from
8 the CI file, your Honor.

9 THE COURT: Is there an objection to the admission
10 of exhibit Plaintiff's Statement 9/13/05.

11 MR. CASSON: No. I have had a chance to look at
12 it, your Honor, no.

13 BY MR. HALLSTEN:

14 Q. Okay. And at that time?

15 THE COURT: That will be admitted as well.

16 MR. HALLSTEN: I apologize, your Honor. Thank you.

17 (Above-named exhibit will be received in evidence.)

18 BY MR. HALLSTEN:

19 Q. At that time do you recall who was taking the statement
20 from you, Miss Passananti?

21 A. Yes, I do.

22 Q. And who was that?

23 A. That was Investigator Pavalonis and Investigator Cleary.

24 Q. Okay. And at that time they asked you questions
25 regarding the urine tampering incident, correct?

1 A. That is correct.

2 Q. Okay. Now, this was on 13 September 2005, correct?

3 A. That is correct.

4 Q. So this is after the allegation that you made that
5 Mr. Sullivan had accused of you sleeping with this very same
6 inmate, correct?

7 A. That is correct.

8 Q. Okay. And in this statement that you give you are
9 afforded an opportunity at the end to add anything else to
10 your statement, correct?

11 A. That is correct.

12 Q. Okay. And at the time that you were being investigated
13 for this Spiewak incident, you -- by the time it was
14 September you knew this was a major investigation. You had
15 already been temporarily transferred to SWAP during the
16 pendency of this investigation, correct?

17 A. That is correct.

18 Q. All right. And you had an opportunity now with
19 Investigators Cleary and Investigators Pavalonis to lay all
20 your cards out on the table and get everything out there you
21 believe was happening to you in this Spiewak incident,
22 correct?

23 A. That's correct.

24 Q. And including that Mr. Sullivan had allegedly accused
25 you of sleeping with this inmate and he was trumping all

1 these charges, correct?

2 A. That's correct.

3 Q. Okay. Now, when it says, "Is there anything else that
4 you would like to add to this statement, why didn't you at
5 that time -- when you had an Office of the Inspector General
6 investigator in a room with another investigator where you
7 could have explained all of the stuff that was allegedly
8 happening to you at the -- at the hands of Mr. Sullivan, why
9 didn't you add anything to your statement?

10 A. Because this was about the Spiewak incident.

11 Q. Well, the Spiewak incident, according to you, involved
12 -- was allegedly involved you sleeping with the inmate --
13 participant. Why didn't you say that Mr. Sullivan had
14 accused of you of that in relation to this incident?

15 A. Because that wasn't the time or place to say it.

16 Q. You had an Office of the Inspector General investigator
17 there who was investigating charges against you, the whole
18 time believing that charges should have been filed against
19 Mr. Sullivan. You didn't take opportunity to say, hey, there
20 is something fishy going on here, this is not right, did you?

21 A. This investigation was --

22 THE COURT: You can answer that yes or no.

23 BY THE WITNESS:

24 A. No.

25 BY MR. HALLSTEN:

1 Q. Now, in November of 2005 at the conclusion of the
2 investigator general's investigation into the allegations
3 that you improperly allowed an inmate who tampered with his
4 urine to leave the Jail, what did the OIG find?

5 A. They found me guilty.

6 Q. Okay. And the specific allegation was that this
7 participant had brought urine in an Elmer's Glue bottle to
8 take his test, correct?

9 A. No, the allegation was that I let the participant go
10 that was caught tampering with their urine, in violation of a
11 direct order.

12 Q. Okay. Now, when you received the finding from the
13 Office of the Inspector General that had found you guilty of
14 releasing an inmate -- a participant who had tampered with
15 his urine, what did you do?

16 A. I appealed it.

17 Q. You sought out the appeal of another investigative body,
18 isn't that correct?

19 A. That's correct.

20 Q. And you submitted it to the Internal Affairs Department
21 and asked that the case be reviewed, correct?

22 A. Correct.

23 Q. Okay. And when you submitted that case to the Internal
24 Affairs Department and asked that the case be reviewed, did
25 you ask them at that time to investigate any claim -- any

1 behavior -- any sexually discriminating behavior that you
2 allege that Director Sullivan was instigating against you?

3 A. They all had that document that I wrote.

4 Q. Did you request of IAD -- you specifically had the
5 wherewithal to request an appeal of your OIG investigation,
6 correct?

7 A. Correct.

8 Q. Okay. Did you request an investigation of
9 Mr. Sullivan's be -- alleged behavior towards you at that
10 time?

11 A. No.

12 Q. And what did the IAD investigation -- appeal process
13 turn up for you?

14 A. They concurred.

15 Q. They concurred. They did allow you, however, the
16 opportunity to instead of using -- be -- actually be
17 suspended, that you could just use benefit time, correct?

18 A. Five days.

19 Q. So you never actually missed a day of work because of
20 the finding?

21 A. I missed five days of pay.

22 Q. Right. Now, once the process of the investigation and
23 the appeal were over, were you returned back to your position
24 as Deputy Director?

25 A. Yes.

1 Q. Okay. And you continued to operate as Deputy Director
2 at the Jail from approximately November 2005 to July of 2006,
3 correct?

4 A. Deputy Director of day reporting.

5 Q. Day reporting. I apologize. Thank you.

6 A. Yes.

7 Q. From November -- from approximately November 2005 to
8 July of 2006, correct?

9 A. That's correct.

10 Q. Now, at any time in November of 2005 did you fill out a
11 complaint form and submit to your supervisor or your
12 supervisor's supervisor?

13 A. No.

14 Q. Okay. At any time in December 2005 did you fill out a
15 complaint form?

16 A. No, I did not.

17 Q. Any time in January of 2006?

18 A. No, I did not.

19 Q. Any time in February?

20 A. No, I did not.

21 Q. Any time in March?

22 A. No, I did not.

23 Q. April?

24 A. No.

25 Q. Okay. May, June or July?

1 A. No.

2 Q. Now, something -- what happened to Mr. Sullivan -- what
3 is your understanding of what happened Mr. Sullivan medically
4 in July of 2006?

5 A. He got sick and he wasn't going to come back.

6 Q. Okay. And so sometime in July of 2006 Mr. Sullivan went
7 out on medical leave and never -- and did not return to the
8 office, correct?

9 A. That is correct.

10 Q. And at no time from July of 2006 until February -- until
11 March of 2007, until the day you were terminated, did
12 Mr. Sullivan ever return back to the office?

13 A. That's correct.

14 Q. And during that time you were by necessity the Acting
15 Director of day reporting, weren't you?

16 A. That's correct.

17 Q. Because Mr. Sullivan was out on medical and you were the
18 the one left holding the department down, correct?

19 A. Correct.

20 Q. Now, any time after July of 2006 with Mr. Sullivan gone
21 and there being no -- no possible worry about complaining
22 about him, did you then file -- because we heard -- did you
23 then file a sexual harassment form against Mr. Sullivan?

24 A. No, it was futile.

25 Q. Okay. And we read the policy earlier. It said you had

1 365 days to complain, correct?

2 A. That's correct.

3 Q. Okay. Now Mr. Sullivan is gone. You don't have to
4 worry about him allegedly yelling at you for anything
5 anymore. Why didn't you file a sexual harassment complaint
6 form then?

7 A. It was futile.

8 Q. You keep saying or you try to say that it is futile,
9 Miss Passananti. But you never actually tried to submit a
10 complaint register form attached to the General Order, just
11 like you teach all of your cadets to do, did you?

12 A. No.

13 Q. Now, in February or March 2007 -- you received notice
14 that you had been terminated, correct?

15 A. Correct.

16 Q. And that notification stated that because of budget --
17 County budget cuts that you have been -- had been eliminated,
18 correct?

19 A. Correct.

20 Q. Now, at some point after that you went to the EEOC, is
21 that correct?

22 A. That's correct.

23 Q. And this is the first time that you ever went to the
24 EEOC on this -- on the allegations contained anywhere that we
25 have talked about today, correct?

1 A. Yes.

2 Q. Okay. And -- and, in fact, if I could pull up the
3 General Order really quickly and point to C.

4 THE COURT: Is there an objection to the admission
5 -- that is already in evidence?

6 MR. HALLSTEN: That is already in evidence, your
7 Honor.

8 BY MR. HALLSTEN:

9 Q. It says that you can actually go to -- the Sheriff's own
10 sexual harassment policy states that you could go to the EEOC
11 if you wanted to, correct?

12 A. Correct.

13 Q. And you did not choose to go to the EEOC until May 1st,
14 2007, correct?

15 A. Until there was no fear to lose my job, that is
16 correct.

17 Q. Okay. So it was -- a year and a half after Mr. Sullivan
18 allegedly made that comment to you that you decided to go to
19 the EEOC, correct?

20 A. That wasn't the only comment.

21 Q. Well, let's take a look at this.

22 Your Honor, I have what has been marked -- or what
23 is plaintiff's EEOC charge dated May 1st, 2007.

24 THE COURT: Any objection?

25 MR. CASSON: No objection, your Honor.

1 BY MR. HALLSTEN:

2 Q. This is the first page of your EEOC charge, correct?

3 Wait. Let me get it.

4 Okay.

5 Do you recognize that document, Miss Passananti?

6 A. Yes.

7 MR. CASSON: Do you guys have another copy? Do you
8 have a copy of it?

9 BY MR. HALLSTEN:

10 Q. Now, this EEOC charge is the only time that you went to
11 the EEOC in this case, correct?

12 A. That's correct.

13 Q. All right. And you wanted to state -- you -- you wanted
14 to be truthful in all of your allegations contained on this
15 charge, correct?

16 A. Correct.

17 Q. Okay. And you, in fact, swear to that and affirm that
18 these statements are truthful in regards to what you are
19 alleging in this complaint, correct?

20 A. Correct.

21 Q. Okay. Now, can you see on your page -- and I will zoom
22 in.

23 THE COURT: Mr. Bowman, can you zoom in.

24 MR. HALLSTEN: I got it.

25 THE COURT: I think there is controls on that ledge

1 that comes out.

2 MR. HALLSTEN: I looked. I couldn't -- I didn't
3 recognize them.

4 THE COURT: Okay.

5 MR. HALLSTEN: Okay. I got them. Okay.

6 THE COURT: Can you read that, folks?

7 BY MR. HALLSTEN:

8 Q. Okay. Okay. That -- that is the extent of the
9 allegations you put on that charge, correct?

10 A. Yes.

11 Q. Okay. Now, I want you to -- right up in the right side
12 of that page do you see where it says "Date discrimination
13 took place"?

14 THE COURT: You can circle it. If you touch this
15 screen, you will make a mark on it.

16 THE WITNESS: Okay.

17 BY MR. HALLSTEN:

18 Q. Okay. And on that form it says, "Date discrimination
19 took place." Earliest it says December 1st, 2006, correct?

20 A. Yes.

21 Q. Okay. And latest was March 3rd, 2007, correct?

22 A. Correct.

23 Q. Okay. Well, isn't it undisputed at this point that
24 Mr. Sullivan was out of the office from July of 2006 on? He
25 wasn't even in the office in December 1st of 2006.

1 A. Correct.

2 Q. So your first charge -- your only charge to the EEOC in
3 this case specifically identifies a time period when Mr.
4 Sullivan wasn't even in the office, correct?

5 A. Well, no, this was the earliest, the latest, on this
6 form, yes.

7 THE COURT: Wait a minute. Would you read the
8 question back again, please.

9 (Record read as requested.)

10 BY THE WITNESS:

11 A. Correct.

12 MR. HALLSTEN: Your Honor, may I have a moment?

13 THE COURT: Certainly.

14 MR. HALLSTEN: Thank you.

15 MR. HALLSTEN: I believe that is all we have.

16 THE COURT: Very well.

17 Redirect, Mr. Casson.

18 MR. CASSON: Yes, your Honor.

19 MR. HALLSTEN: Do you want to give me a minute to
20 get this out of here.

21 MR. CASSON: You guys are going to have to leave
22 the exhibits up.

23 MR. HALLSTEN: Okay. We will leave them.

24 MR. CASSON: Your Honor, I am going to use the
25 notes. This has already been admitted into evidence.

1 THE COURT: All right.

2 REDIRECT EXAMINATION

3 BY MR. CASSON:

4 Q. Kim, I want to direct your attention to this -- your
5 notes. The date on here is May 19th, 2003. What happened at
6 10:30 that day?

7 A. We had a meeting. We had a new provider that came in
8 that we contracted with to perform all of the treatment and
9 educational components at day reporting. And this new
10 provider which was HRVI, we were meeting with them and we
11 were discussing all the interagency regulations and how we
12 were going to work together.

13 Q. How long had Mr. Sullivan been on the job at this point?

14 A. He -- I believe almost a year.

15 Q. Had there been a prior provider prior to this date?

16 A. Yes.

17 Q. And the new provider had a -- did they have an executive
18 director or some representative there?

19 A. Yes, they did.

20 Q. And who was that?

21 A. That was Mr. Edo (phonetic) and I believe Mr. Collins
22 was also there.

23 Q. And during that meeting did you discuss what to do with
24 a tamper?

25 A. Yes.

1 Q. Was there a policy in place at the time?

2 A. No, there was not.

3 Q. Subsequent -- this is in 2003, correct?

4 A. Yes, it was.

5 Q. Now, advance to 2005, two years later. The incident
6 with Spewack occurred?

7 A. Correct.

8 Q. Had there been any tampered cases in the two years and
9 four months since the May '03 meeting?

10 A. Absolutely. The policy always was it was a --
11 everything was done on a case-by-case basis. If a
12 participant came into the program and was using narcotics and
13 wasn't progressing through the program and was caught
14 tampering with urine, they -- they would go back to DOC. If
15 the participant came into the program and they had been using
16 drugs and they subsequently stopped using drugs based on the
17 rehabilitation, had active employment, and he was caught
18 doing this, he was given a consideration and -- based on the
19 fact that he was making progress through the system. And
20 that was the policy.

21 Q. And did Mr. Sullivan change that policy on May 9th of
22 2003?

23 A. No, he did not.

24 Q. You were shown this sexual harassment complaint form by
25 Mr. Hallsten. The information on these lines, that is where

1 you would put what?

2 A. You would put the circumstance, the day it happened, who
3 did it, what occurred, where and -- and when.

4 Q. Okay. And if you had to add information, what would you
5 do?

6 A. You would use additional paper if you needed to.

7 Q. Paper -- paper like that?

8 A. Yeah, paper just like that.

9 Q. And you can put additional facts and just attach it,
10 correct?

11 A. That's correct.

12 Q. One of the things you have to say is when it happened,
13 correct?

14 A. Correct.

15 Q. And on your letter you say here that is when it
16 happened?

17 A. Correct.

18 Q. Right?

19 A. Yes.

20 Q. And in your letter you say -- you also have to say who
21 it is about?

22 A. Yes.

23 Q. And right here you say who it is about?

24 A. Yes.

25 Q. And job title and department, you have to tell them who

1 that is too, right?

2 A. Correct.

3 Q. And you say that -- you are in the DRC, correct?

4 A. Correct.

5 Q. In the cover letter you clearly identified yourself,
6 correct?

7 A. Yes, I did.

8 Q. That is your signature at the bottom, right?

9 A. That is -- yes, it is.

10 Q. Now I want to direct your attention to the bottom of
11 this page, that number right there.

12 A. Yes.

13 Q. What does that refer to?

14 A. That refers to the Inspector General's exhibit
15 attachment.

16 Q. All right. So this did get to the Inspector General?

17 A. Yes, it did get to the Inspector General.

18 Q. So that was the -- when you sent it to Mr. Gallagher,
19 what did you want to happen?

20 A. I wanted it to get to the Sheriff's Department. I
21 wanted it to get to the Sheriff. I wanted somebody to do
22 something about what was going on in the department.

23 Q. And it, in fact, did get to the Inspector General's
24 office, correct?

25 A. Correct.

1 Q. And did they ever do the investigation?

2 A. No.

3 Q. When you had -- were paid a visit by Mr. Pavalonis and
4 Mr. Cleary, did they ask you -- strike that.

5 Did they tell you what they were there for?

6 A. Yes.

7 Q. All right. And when -- in describing what you were
8 there for, did they have a script or some set questions that
9 they had already typed out?

10 A. Yes.

11 Q. Was it in the IG's office?

12 A. Yes, it was.

13 Q. And they sat behind a computer and you sat on the other
14 side of the desk?

15 A. Correct.

16 Q. Were the questions in your statement -- you didn't
17 change any of those questions or draft any of those questions
18 ahead of time?

19 A. No.

20 Q. They already had them laid out?

21 A. Yes.

22 Q. So in the first part of your interview, did -- they
23 didn't ask you anything about sexual harassment investigation
24 or your complaint, did they?

25 A. No, they did not.

1 Q. In the second part of your interview they didn't ask you
2 any questions about the sexual harassment or your -- your
3 complaint, did they?

4 A. No, they did not.

5 Q. And you will -- I want to also direct your attention to
6 the bottom of the statement page. There is also a CI number
7 at the bottom of that?

8 A. Correct.

9 Q. And that makes it -- that was part of the same file,
10 correct?

11 A. Yes, it was.

12 Q. That is -- 05-08-036 was the Spiewak investigation?

13 A. Correct.

14 Q. Now, that was the charge they brought against you,
15 correct?

16 A. Correct.

17 Q. Well, when you became the director of the -- of the day
18 reporting unit?

19 MR. HALLSTEN: Objection, your Honor. Misstates
20 the evidence.

21 MR. CASSON: I am sorry, Judge.

22 BY MR. CASSON:

23 Q. When you became the Acting Director of the day reporting
24 unit, did you receive the pay of the Director?

25 A. No, I did not.

1 Q. Did you do the job of the Director?

2 A. Yes, I did.

3 Q. Did you do the job of the Director and the Deputy
4 Director at that point?

5 A. Yes, I did.

6 Q. Did you get paid for both jobs?

7 A. No, I did not.

8 Q. To your knowledge, was -- Mr. Sullivan was still on the
9 payroll, correct?

10 A. Correct.

11 Q. He did -- when did it become apparent to you that he was
12 not on the payroll anymore?

13 A. I never -- I didn't know if he was ever -- I wasn't
14 privileged to that information.

15 Q. You don't know that he was ever taken off?

16 A. No.

17 Q. Up to the point that you were terminated in March, you
18 received your old salary, correct?

19 A. Correct.

20 Q. When Mr. Sullivan was in the office, were you in the --
21 this is prior to the end of July of '06 -- I am sorry -- yes,
22 of '06 -- correct?

23 A. Yes.

24 Q. Were you in his presence when he had any conversations
25 with Sally Campillo?

1 A. Yes.

2 Q. What were they? What did he say?

3 MR. HALLSTEN: Objection, your Honor. Outside the
4 scope.

5 THE COURT: Yeah. Yes, it is. Isn't it?

6 MR. CASSON: It was inquired about.

7 THE COURT: You objected.

8 MR. HALLSTEN: Your Honor sustained the objection
9 and I moved on.

10 THE COURT: Let me -- well, I will let you reopen
11 the proofs. You can conduct further cross-examination on it.

12 MR. HALLSTEN: Okay. Thank you. Your Honor.

13 THE COURT: Lay a foundation.

14 BY MR. CASSON:

15 Q. Where did the discussion occur? Where were you?

16 A. In his office. In the Director Sullivan's office.

17 Q. This is in the -- was anybody else there?

18 A. No.

19 Q. Who else was in attendance?

20 A. It was me and Director Sullivan and Investigator
21 Campillo.

22 Q. Okay. What did -- why was Sally there, Miss Campillo?

23 A. Because she was complaining about her supervisor, Chief
24 Rodriquez.

25 Q. And when was this? What year?

1 A. It was in 2006.

2 Q. What month?

3 A. I believe it was early July of 2006.

4 MR. HALLSTEN: Objection, your Honor. Relevance at
5 this point.

6 THE COURT: Overruled.

7 BY MR. CASSON:

8 Q. What did he say to her?

9 A. He told her to quit putting stuff on paper. He said --
10 he said she needs to quit putting documentation on paper and
11 sending it to the IG.

12 Q. Did he ever refer to her in any vulgar manner?

13 A. Yes.

14 Q. And when was that?

15 A. That is the same time. And one other time when she was
16 in the office with me he asked me what that B was doing in
17 there.

18 THE COURT: Wait. This was all the subject of
19 direct examination. She related two phone conversations in
20 Mr. Sullivan's office in 2006. The second one was with Sally
21 Campillo present.

22 MR. CASSON: I am sorry, I thought there was an
23 objection to that.

24 THE COURT: That was all one into on direct exam.

25 MR. CASSON: That is all I have, Judge.

1 THE COURT: Okay. Anything further?

2 MR. HALLSTEN: Yes, your Honor, briefly.

3 RECROSS EXAMINATION

4 BY MR. HALLSTEN:

5 Q. Did you -- Miss Passananti, did you report this
6 allegation that Sullivan told her to stop -- told
7 Miss Campillo to stop putting things on paper?

8 A. No.

9 Q. Did you fill out a complaint form and send it to the IAG
10 saying Mr. Sullivan is threatening an employee -- actually a
11 supervise -- a person that you supervised, correct?

12 A. Correct.

13 Q. You did not report that one of your employees was
14 allegedly threatened by Mr. Sullivan, correct?

15 A. Correct. She did.

16 Q. Now, Mr. Casson just showed you some information on the
17 sexual harassment complaint form, correct?

18 A. Correct.

19 Q. And asked you if it was in your letter, correct?

20 A. Correct.

21 Q. Now, what Mr. Casson didn't ask you is -- you see that
22 big word at the top. Where is that word in your letter,
23 sexual harassment. Where is that in your letter, Miss
24 Passananti?

25 A. It was defined in the letter.

1 Q. Where were the words "sexual harassment" or -- where was
2 the word "sexual harassment" in your letter?

3 A. That isn't a requirement to report --

4 THE COURT: Would you answer the question, please.
5 It is getting late.

6 THE WITNESS: No, your Honor.

7 BY MR. HALLSTEN:

8 Q. Where is the word "complaint" in your letter?

9 A. The word is not in there.

10 Q. Now, it is unequivocal to anybody receiving this form
11 that the nature of this form is a sexual harassment complaint
12 being registered by the person submitting it, is that
13 correct?

14 MR. CASSON: Objection. Form of the question,
15 Judge.

16 THE COURT: Overruled.

17 BY MR. HALLSTEN:

18 Q. Is that correct, Miss Passananti?

19 A. Correct.

20 Q. And that complaint form is what is required by the
21 policy that you are -- that you know better than anybody else
22 in the Sheriff's Office, correct?

23 A. You can also give a verbal complaint.

24 THE COURT: Could you answer the question, please.

25 BY THE WITNESS:

1 A. No.

2 BY MR. HALLSTEN:

3 Q. You already testified that that complaint form is the
4 complaint form attached to the General Order, Miss
5 Passananti, is that correct?

6 A. That's correct.

7 Q. Okay. And this complaint form contains the word "sexual
8 harassment complaint," correct?

9 A. Yes.

10 Q. And your letter does not?

11 A. No.

12 MR. HALLSTEN: Thank you. No further questions.

13 THE COURT: Anything further, Mr. Casson?

14 MR. CASSON: No, your Honor.

15 THE COURT: You may step down. Thank you.

16 (Witness excused.)

17 THE COURT: Well, ladies and gentlemen, it is
18 getting late. Why don't we break for tonight.

19 We are off the record.

20 (Discussion held off the record.)

21 (Proceedings adjourned at 4:40 o'clock p.m.)

22

23

24

25